

Amendment No. 378

Senate Amendment to Senate Bill No. 286 (BDR 39-633)  
**Proposed by:** Senate Committee on Commerce, Labor and Energy  
**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 286 (§§ 16, 20, 23, 24, 25, 27).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/JWP



Date: 4/24/2017

S.B. No. 286—Revises provisions governing the regulation of applied behavior analysis. (BDR 39-633)





SENATE BILL NO. 286—SENATORS GANSERT, FORD, PARKS; CANCELA, CANNIZZARO,  
GOICOECHEA, HAMMOND, HARDY, RATTI AND ROBERSON

MARCH 16, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing the regulation of applied behavior analysis. (BDR 39-633)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to applied behavior analysis; **creating the Board of Applied Behavior Analysis**; transferring the responsibility for the regulation of applied behavior analysis from the Board of Psychological Examiners to the **Board of Applied Behavior Analysis; requiring the** Aging and Disability Services Division of the Department of Health and Human Services **to enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis; replacing the term “autism behavior interventionist” with the term “behavior technician”; requiring a behavior technician to obtain registration from the Division**; revising the composition of the Board **of Psychological Examiners**; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Existing law defines the term “autism behavior interventionist” to mean a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of certain professionals. (NRS 641.0204) Sections 5.3, 48 and 77 of this bill: (1) replace that term with the term “behavior technician”; (2) remove the requirement that such a person be registered as a Registered Behavior Technician; and (3) instead require a behavior technician to be registered by the Division.**

**Under existing law, the Board of Psychological Examiners regulates the practice of applied behavior analysis and licenses behavior analysts and assistant behavior analysts. (NRS 641.100, 641.170) [This bill transfers those responsibilities to the Aging and Disability Services Division of the Department of Health and Human Services.] Section 13.3 of this bill creates the Board of Applied Behavior Analysis. Section 13.7 of this bill prescribes the compensation of the Board. Sections 14 and 17 of this bill authorize the Board to adopt regulations governing: (1) the licensing of behavior analysts and assistant behavior analysts; (2) the registration of behavior technicians; and (3) the practice of applied behavior analysis. Sections ~~13, 14, 15, 16 and 18~~ 13, 15, 16 and 18 of this bill prescribe the duties of the Aging and Disability Services Division of the Department of Health and Human Services to keep certain records and ~~regulate, license and discipline behavior analysts and assistant~~**

behavior analysts. Section 16 also requires the Division to deposit money received from fees and penalties in the State General Fund.) **enforce provisions of law governing applied behavior analysis and the regulations of the Board of Applied Behavior Analysis. Section 16 of this bill authorizes the Division to prescribe fees for the licensing of behavior analysts and assistant behavior analysts and the registration of behavior technicians.** Section 19 of this bill exempts an employee or agent of the Division from liability for actions taken in good faith in the performance of the duties of the Division. Sections 20-27 of this bill prescribe the requirements to obtain or renew a license as a behavior analyst or assistant behavior analyst. ~~Section 28 of this bill prescribes the required fees for the issuance or renewal of such a license.~~ **or registration as a behavior technician.**

Section 29 of this bill prescribes the grounds for disciplinary action against a behavior analyst, ~~for an~~ assistant behavior analyst, ~~or~~ **or behavior technician,** and section 30 of this bill requires the ~~Division~~ **Board** to prescribe additional grounds for such disciplinary action by regulation. Section 31 of this bill establishes the disciplinary action that the Division may impose against a behavior analyst, ~~for an~~ assistant behavior analyst, ~~or~~ **or behavior technician.** Sections 33-38 and 41-43 of this bill prescribe procedures relating to the filing of a complaint and conducting an investigation and disciplinary hearing. Sections 39 and 40 of this bill authorize the Division to require a behavioral analyst, ~~for~~ assistant behavior analyst **or behavior technician** to take an examination to demonstrate his or her competence. Sections 44 and 45 of this bill authorize the Division or the Attorney General to maintain an action to enjoin certain unprofessional conduct or the practice of applied behavior analysis without the required license or credential. Section 46 of this bill grants immunity from liability to any person who initiates a complaint or assists in an investigation or the discipline of a behavior analyst, ~~for~~ assistant behavior analyst **or behavior technician** without malicious intent. Section 47 of this bill authorizes a behavior analyst, ~~for~~ assistant behavior analyst **or behavior technician** to apply to the Division for the removal of certain administrative sanctions against his or her license. Sections 48-50 of this bill prohibit the practice of applied behavior analysis without the proper license, credentials or supervision and certain other acts. Section 50 makes the fraudulent practice of applied behavior analysis or ~~the~~ practice ~~of~~ **applied as a behavior ~~(analyst) analyst, assistant behavior analyst or behavior technician~~** without the proper license or credential a gross misdemeanor.

The Board of Psychological Examiners currently consists of seven members appointed by the Governor. One of the members of the Board is a licensed behavior analyst. (NRS 641.030, 641.040) Sections 58, 59 and 74 of this bill remove that member from the Board and reduce the size of the Board to six members. Sections 56, 57 and 60-66 of this bill remove references to applied behavior analysis from the provisions of statute administered by the Board, and sections 53 and 67-71 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 39 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Assistant behavior analyst” means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst by the Division.*

Sec. 4. ~~“Autism behavior interventionist” means a person who holds a current credential as a Registered Behavior Technician, or an equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or any~~

14 ~~successor in interest to that organization, and provides behavioral therapy under~~  
 15 ~~the supervision of:~~

16 ~~1. A licensed psychologist;~~

17 ~~2. A licensed behavior analyst; or~~

18 ~~3. A licensed assistant behavior analyst.~~ **(Deleted by amendment.)**

19 Sec. 5. "Behavior analyst" means a person who holds current certification  
 20 as a Board Certified Behavior Analyst issued by the Behavior Analyst  
 21 Certification Board, Inc., or any successor in interest to that organization, and is  
 22 licensed as a behavior analyst by the Division.

23 Sec. 5.3. "Behavior technician" means a person who is registered as such  
 24 by the Division and provides behavioral therapy under the supervision of:

25 1. A licensed psychologist;

26 2. A licensed behavior analyst; or

27 3. A licensed assistant behavior analyst.

28 Sec. 5.8. "Board" means the Board of Applied Behavior Analysis created  
 29 by section 13.3 of this act.

30 Sec. 6. "Community" means the entire area customarily served by behavior  
 31 analysts and assistant behavior analysts among whom a patient may reasonably  
 32 choose, not merely the particular area inhabited by the patients of an individual  
 33 behavior analyst ~~or~~ assistant behavior analyst ~~or~~ behavior technician or the  
 34 particular city or place where the behavior analyst ~~or~~ assistant behavior  
 35 analyst ~~or~~ behavior technician has his or her office.

36 Sec. 7. "Division" means the Aging and Disability Services Division of the  
 37 Department of Health and Human Services.

38 Sec. 8. "Gross malpractice" means malpractice where the failure to  
 39 exercise the requisite degree of care, diligence or skill consists of:

40 1. Practicing applied behavior analysis with a patient while the behavior  
 41 analyst ~~or~~ assistant behavior analyst ~~or~~ behavior technician is under the  
 42 influence of an alcoholic beverage as defined in NRS 202.015 or any controlled  
 43 substance;

44 2. Gross negligence;

45 3. Willful disregard of established methods and procedures in the practice  
 46 of applied behavior analysis; or

47 4. Willful and consistent use of methods and procedures considered by  
 48 behavior analysts ~~or~~ assistant behavior analysts ~~or~~ behavior technicians, as  
 49 applicable, in the community to be inappropriate or unnecessary in the cases  
 50 where used.

51 Sec. 9. "Malpractice" means failure on the part of a behavior analyst ~~or~~  
 52 assistant behavior analyst ~~or~~ behavior technician to exercise the degree of care,  
 53 diligence and skill ordinarily exercised by behavior analysts ~~or~~ assistant  
 54 behavior analysts ~~or~~ behavior technicians, as applicable, in good standing in  
 55 the community.

56 Sec. 10. "Practice of applied behavior analysis" means the design,  
 57 implementation and evaluation of instructional and environmental modifications  
 58 ~~using behavioral stimuli and consequences~~ based on scientific research and  
 59 observations of behavior and the environment to produce socially significant  
 60 improvement in human behavior, including, without limitation, ~~the use of direct~~  
 61 observation, measurement and functional analysis of that:

62 1. The empirical identification of functional relations between environment  
 63 and behavior ~~or~~; and

64 2. The use of contextual factors, motivating operations, antecedent stimuli,  
 65 positive reinforcement and other procedures to help a person develop new

1 behaviors, increase or decrease existing behaviors and engage in certain  
 2 behavior under specific environmental conditions.

3 ↳ The term includes the provision of behavioral therapy by a behavior analyst,  
 4 assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~ technician.

5 Sec. 11. "Professional incompetence" means lack of ability to practice  
 6 applied behavior analysis safely and skillfully arising from:

- 7 1. Lack of knowledge or training;
- 8 2. Impaired physical or mental ability; or
- 9 3. Dependence upon an alcoholic beverage as defined in NRS 202.015 or  
 10 any controlled substance.

11 Sec. 12. The provisions of this chapter do not apply to:

- 12 1. A physician who is licensed to practice in this State;
- 13 2. A person who is licensed to practice dentistry in this State;
- 14 3. A person who is licensed as a psychologist pursuant to chapter 641 of  
 15 NRS;
- 16 4. A person who is licensed as a marriage and family therapist or marriage  
 17 and family therapist intern pursuant to chapter 641A of NRS;
- 18 5. A person who is licensed as a clinical professional counselor or clinical  
 19 professional counselor intern pursuant to chapter 641A of NRS;
- 20 6. A person who is licensed to engage in social work pursuant to chapter  
 21 641B of NRS;
- 22 7. A person who is licensed as an occupational therapist or occupational  
 23 therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
- 24 8. A person who is licensed as a clinical alcohol and drug abuse counselor,  
 25 licensed or certified as an alcohol and drug abuse counselor or certified as an  
 26 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse  
 27 counselor intern, a problem gambling counselor or a problem gambling  
 28 counselor intern, pursuant to chapter 641C of NRS; or
- 29 9. Any member of the clergy,

30 ↳ if such a person does not commit an act described in section 50 of this act or  
 31 represent himself or herself as a behavior analyst, assistant behavior analyst or  
 32 ~~autism~~ behavior ~~interventionist~~ technician.

33 Sec. 13. 1. The Division shall make and keep:

34 (a) A record of all violations and prosecutions under the provisions of this  
 35 chapter.

36 (b) ~~A record of all examinations of applicants.~~

37 ~~(c) A register of all licenses~~

38 ~~(d) and registrations.~~

39 (c) A register of all holders of licenses ~~and~~ and registrations.

40 2. These records must be kept in an office of the Division and, except as  
 41 otherwise provided in this section, are subject to public inspection during normal  
 42 working hours upon reasonable notice.

43 3. Except as otherwise provided in NRS 239.0115, the Division may keep  
 44 the personnel records of applicants confidential.

45 4. Except as otherwise provided in this section and NRS 239.0115, a  
 46 complaint filed with the Division, all documents and other information filed with  
 47 the complaint and all documents and other information compiled as a result of  
 48 an investigation conducted to determine whether to initiate disciplinary action  
 49 against a person are confidential, unless the person submits a written statement  
 50 to the Division requesting that such documents and information be made public  
 51 records.

52 5. The charging documents filed with the Division to initiate disciplinary  
 53 action pursuant to chapter 622A of NRS and all other documents and

1 information considered by the Division when determining whether to impose  
2 discipline are public records.

3 6. The provisions of this section do not prohibit the Division from  
4 communicating or cooperating with or providing any documents or other  
5 information to any licensing board or any other agency that is investigating a  
6 person, including, without limitation, a law enforcement agency.

7 Sec. 13.3. 1. The Board of Applied Behavior Analysis is hereby created.

8 2. The Governor shall appoint to the Board:

9 (a) Three voting members who are behavior analysts licensed in this State.

10 (b) One voting member who is an assistant behavior analyst licensed in this  
11 State.

12 (c) One voting member who is a representative of the general public who is  
13 interested in the practice of applied behavior analysis. This member must not be a  
14 behavior analyst or assistant behavior analyst, an applicant or a former applicant  
15 for licensure as a behavior analyst or assistant behavior analyst, a member of a  
16 health profession, the spouse or the parent or child, by blood, marriage or  
17 adoption, of a behavior analyst or assistant behavior analyst, or a member of a  
18 household that includes a behavior analyst or assistant behavior analyst.

19 3. The Administrator of the Division or his or her designee is an ex officio,  
20 nonvoting member of the Board.

21 4. After the initial term, the Governor shall appoint each member of the  
22 Board to a term of 4 years. No member of the Board may serve more than two  
23 consecutive terms.

24 5. The Board shall hold a regular meeting at least once a year. The Board  
25 shall hold a special meeting upon a call of the President or upon the request of a  
26 majority of the members. A majority of the Board constitutes a quorum.

27 6. At the regular annual meeting, the Board shall elect from its membership  
28 a President and a Secretary-Treasurer, who shall hold office for 1 year and until  
29 the election and qualification of their successors.

30 7. A member of the Board or an employee or agent of the Board is not liable  
31 in a civil action for any act performed in good faith and within the scope of the  
32 duties of the Board pursuant to the provisions of this chapter.

33 Sec. 13.7. 1. Each member of the Board is entitled to receive:

34 (a) A salary of not more than \$150 per day, as fixed by the Board, while  
35 engaged in the business of the Board; and

36 (b) A per diem allowance and travel expenses at a rate fixed by the Board,  
37 while engaged in the business of the Board. The rate must not exceed the rate  
38 provided for state officers and employees generally.

39 2. While engaged in the business of the Board, each employee of the Board  
40 is entitled to receive a per diem allowance and travel expenses at a rate fixed by  
41 the Board. The rate must not exceed the rate provided for state officers and  
42 employees generally.

43 3. Compensation and expenses of the members and employees of the Board  
44 are payable out of the money derived from fees paid or transmitted to the Board  
45 pursuant to the provisions of this chapter and no part thereof may be paid out of  
46 the State Treasury.

47 Sec. 14. The ~~Division~~ Board may make and promulgate rules and  
48 regulations not inconsistent with the provisions of this chapter governing its  
49 procedure, the examination and licensure or registration of applicants, the  
50 granting, refusal, revocation or suspension of licenses or registrations and the  
51 practice of applied behavior analysis.

52 Sec. 15. The Division shall enforce the provisions of this chapter and may,  
53 under the provisions of this chapter:

1 1. Examine and pass upon the qualifications of applicants for licensure ~~and~~  
2 and registration.

3 2. License and register qualified applicants.

4 3. Conduct investigations of licensees and registrants.

5 4. Revoke or suspend licenses ~~and~~

6 ~~and~~ and registrations.

7 5. Collect all fees and make disbursements pursuant to this chapter.

8 Sec. 16. 1. The Division shall prescribe, by regulation, fees for the  
9 issuance, renewal and reinstatement of a license or registration and any other  
10 services provided by the Division pursuant to this chapter. The Division shall  
11 ensure, to the extent practicable, that the amount of such fees is sufficient to pay  
12 the costs incurred by the Board and the Division under the provisions of this  
13 chapter, including, without limitation, the compensation of the Board prescribed  
14 by section 13.7 of this act, and does not exceed the amount necessary to pay those  
15 costs.

16 2. Money received from licensing behavior analysts and assistant behavior  
17 analysts and registering behavior technicians, civil penalties collected pursuant to  
18 this chapter and any appropriation, gift, grant or donation received by the Board  
19 or the Division for purposes relating to the duties of the Board or the Division  
20 under the provisions of this chapter must be ~~forwarded to the State Treasurer for~~  
21 ~~deposit~~ deposited in a separate account in the State General Fund.

22 ~~2. The Division shall enforce the provisions of this chapter and may incur~~  
23 ~~any necessary expenses not in excess of the money appropriated for that purpose~~  
24 ~~by the State or received from the Federal Government.~~ The account must be  
25 administered by the Division. Money in the account must be expended solely for  
26 the purposes of this chapter and does not revert to the State General Fund. The  
27 compensation provided for by this chapter and all expenses incurred under this  
28 chapter must be paid from the money in the account.

29 Sec. 17. 1. A licensed behavior analyst or assistant behavior analyst ~~or~~  
30 registered behavior technician shall limit his or her practice of applied behavior  
31 analysis to his or her areas of competence, as documented by education, training  
32 and experience.

33 2. The ~~Division~~ Board shall ~~license, by adopting regulations and~~  
34 ~~enforcing the provisions of this chapter,~~ adopt regulations to ensure that  
35 licensed behavior analysts, ~~and~~ assistant behavior analysts and registered  
36 behavior technicians limit their practice of applied behavior analysis to their  
37 areas of competence.

38 Sec. 18. In a manner consistent with the provisions of chapter 622A of  
39 NRS, the Division may hold hearings and conduct investigations related to its  
40 duties under this chapter and take evidence on any matter under inquiry before it.

41 Sec. 19. An employee or agent of the Division is not liable in a civil action  
42 for any act performed in good faith and within the scope of the duties of the  
43 Division pursuant to the provisions of this chapter.

44 Sec. 20. 1. Each person desiring a license as a behavior analyst or  
45 assistant behavior analyst ~~or registration as a behavior technician~~ must:

46 (a) Make application to the Division upon a form and in a manner  
47 prescribed by the Division. The application must be accompanied by the  
48 application fee prescribed by the Division and include all information required to  
49 complete the application.

50 (b) As part of the application and at his or her own expense:

51 (1) Arrange to have a complete set of fingerprints taken by a law  
52 enforcement agency or other authorized entity acceptable to the Division; and

53 (2) Submit to the Division:



1 (I) A complete set of fingerprints and written permission authorizing  
 2 the Division to forward the fingerprints to the Central Repository for Nevada  
 3 Records of Criminal History for submission to the Federal Bureau of  
 4 Investigation for a report on the applicant's background, and to such other law  
 5 enforcement agencies as the Division deems necessary for a report on the  
 6 applicant's background; or

7 (II) Written verification, on a form prescribed by the Division, stating  
 8 that the set of fingerprints of the applicant was taken and directly forwarded  
 9 electronically or by other means to the Central Repository for Nevada Records of  
 10 Criminal History and that the applicant provided written permission authorizing  
 11 the law enforcement agency or other authorized entity taking the fingerprints to  
 12 submit the fingerprints to the Central Repository for Nevada Records of Criminal  
 13 History for submission to the Federal Bureau of Investigation for a report on the  
 14 applicant's background, and to such other law enforcement agencies as the  
 15 Division deems necessary for a report on the applicant's background.

16 2. The Division may:

17 (a) Unless the applicant's fingerprints are directly forwarded pursuant to  
 18 sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1,  
 19 submit those fingerprints to the Central Repository for Nevada Records of  
 20 Criminal History for submission to the Federal Bureau of Investigation and to  
 21 such other law enforcement agencies as the Division deems necessary; and

22 (b) Request from each agency to which the Division submits the fingerprints  
 23 any information regarding the applicant's background as the Division deems  
 24 necessary.

25 3. An application is not considered complete and received for purposes of  
 26 evaluation pursuant to subsection ~~(3)~~ 4 of section 21 of this act until the Division  
 27 receives a complete set of fingerprints or verification that the fingerprints have  
 28 been forwarded electronically or by other means to the Central Repository for  
 29 Nevada Records of Criminal History, and written authorization from the  
 30 applicant pursuant to this section.

31 **Sec. 21. 1.** Except as otherwise provided in sections 23 and 24 of this act,  
 32 each application for licensure as a behavior analyst must be accompanied by  
 33 evidence satisfactory to the Division that the applicant:

34 ~~(a) Is at least 21 years of age.~~

35 ~~(b)~~ Is of good moral character as determined by the Division.

36 ~~(c)~~ (b) Is a citizen of the United States or is lawfully entitled to remain and  
 37 work in the United States.

38 ~~(d) Has earned a master's degree from an accredited college or university in  
 39 a field of social science or special education and holds]~~

40 (c) Holds current certification as a Board Certified Behavior Analyst issued  
 41 by the Behavior Analyst Certification Board, Inc., or any successor in interest to  
 42 that organization.

43 ~~(e) Has completed other education, training or experience in accordance  
 44 with the requirements established by regulations of the Division.~~

45 ~~(f) Has completed satisfactorily a written examination in Nevada law and  
 46 ethical practice as administered by the Division.]~~

47 2. Each application for licensure as an assistant behavior analyst must be  
 48 accompanied by evidence satisfactory to the Division that the applicant:

49 ~~(a) Is at least 21 years of age.~~

50 ~~(b)~~ Is of good moral character as determined by the Division.

51 ~~(c)~~ (b) Is a citizen of the United States or is lawfully entitled to remain and  
 52 work in the United States.

~~1 (d) Has earned a bachelor's degree from an accredited college or university  
2 in a field of social science or special education approved by the Division and  
3 holds;~~

4 (c) Holds current certification as a Board Certified Assistant Behavior  
5 Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
6 successor in interest to that organization.

~~7 (e) Has completed other education, training or experience in accordance  
8 with the requirements established by regulations of the Division.~~

~~9 (f) Has completed satisfactorily a written examination in Nevada law and  
10 ethical practice as administered by the Division.~~

11 3. Each application for registration as a behavior technician must contain  
12 the information required by regulation of the Board.

13 4. Except as otherwise provided in sections 23 and 24 of this act, within 120  
14 days after receiving an application and the accompanying evidence from an  
15 applicant, the Division shall:

16 (a) Evaluate the application and accompanying evidence and determine  
17 whether the applicant is qualified pursuant to this section for licensure ~~++~~ or  
18 registration; and

19 (b) Issue a written statement to the applicant of its determination.

20 ~~++~~ 5. If the Division determines that the qualifications of the applicant are  
21 insufficient for licensure ++ or registration, the written statement issued to the  
22 applicant pursuant to subsection ++ 4 must include a detailed explanation of the  
23 reasons for that determination.

24 **Sec. 22. 1. In addition to any other requirements set forth in this chapter:**

25 (a) An applicant for the issuance of a license as a behavior analyst or  
26 assistant behavior analyst or registration as a behavior technician shall include  
27 the social security number of the applicant in the application submitted to the  
28 Division.

29 (b) An applicant for the issuance or renewal of a license as a behavior  
30 analyst or assistant behavior analyst or registration as a behavior technician  
31 shall submit to the Aging and Disability Services Division the statement  
32 prescribed by the Division of Welfare and Supportive Services of the Department  
33 of Health and Human Services pursuant to NRS 425.520. The statement must be  
34 completed and signed by the applicant.

35 2. The Aging and Disability Services Division shall include the statement  
36 required pursuant to subsection 1 in:

37 (a) The application or any other forms that must be submitted for the  
38 issuance or renewal of the license ~~++~~ or registration; or

39 (b) A separate form prescribed by the Division.

40 3. A license as a behavior analyst or assistant behavior analyst or  
41 registration as a behavior technician must not be issued or renewed by the Aging  
42 and Disability Services Division if the applicant:

43 (a) Fails to submit the statement required pursuant to subsection 1; or

44 (b) Indicates on the statement submitted pursuant to subsection 1 that the  
45 applicant is subject to a court order for the support of a child and is not in  
46 compliance with the order or a plan approved by the district attorney or other  
47 public agency enforcing the order for the repayment of the amount owed  
48 pursuant to the order.

49 4. If an applicant indicates on the statement submitted pursuant to  
50 subsection 1 that the applicant is subject to a court order for the support of a  
51 child and is not in compliance with the order or a plan approved by the district  
52 attorney or other public agency enforcing the order for the repayment of the  
53 amount owed pursuant to the order, the Aging and Disability Services Division

1 shall advise the applicant to contact the district attorney or other public agency  
2 enforcing the order to determine the actions that the applicant may take to satisfy  
3 the arrearage.

4 **Sec. 23.** 1. The Division may issue a license by endorsement as a  
5 behavior analyst to an applicant who meets the requirements set forth in this  
6 section. An applicant may submit to the Division an application for such a license  
7 if the applicant holds a corresponding valid and unrestricted license as a  
8 behavior analyst in the District of Columbia or any state or territory of the United  
9 States.

10 2. An applicant for a license by endorsement pursuant to this section must  
11 submit to the Division with his or her application:

12 (a) Proof satisfactory to the Division that the applicant:

13 (1) Satisfies the requirements of subsection 1;

14 (2) Is a citizen of the United States or otherwise has the legal right to  
15 work in the United States;

16 (3) Has not been disciplined or investigated by the corresponding  
17 regulatory authority of the District of Columbia or any state or territory in which  
18 the applicant currently holds or has held a license as a behavior analyst; and

19 (4) Has not been held civilly or criminally liable for malpractice in the  
20 District of Columbia or any state or territory of the United States;

21 (b) A complete set of fingerprints and written permission authorizing the  
22 Division to forward the fingerprints in the manner provided in section 20 of this  
23 act;

24 (c) An affidavit stating that the information contained in the application and  
25 any accompanying material is true and correct;

26 (d) The fee prescribed by the Division pursuant to ~~section 28 of this act for~~  
27 ~~the issuance of an initial license;~~ the regulations adopted pursuant to section 16  
28 of this act; and

29 (e) Any other information required by the Division.

30 3. Not later than 15 business days after receiving an application for a  
31 license by endorsement as a behavior analyst pursuant to this section, the  
32 Division shall provide written notice to the applicant of any additional  
33 information required by the Division to consider the application. Unless the  
34 Division denies the application for good cause, the Division shall approve the  
35 application and issue a license by endorsement as a behavior analyst to the  
36 applicant not later than:

37 (a) Forty-five days after receiving the application; or

38 (b) Ten days after the Division receives a report on the applicant's  
39 background based on the submission of the applicant's fingerprints,  
40 ~~whichever occurs later.~~

41 **Sec. 24.** 1. The Division may issue a license by endorsement as a  
42 behavior analyst to an applicant who meets the requirements set forth in this  
43 section. An applicant may submit to the Division an application for such a license  
44 if the applicant:

45 (a) Holds a corresponding valid and unrestricted license as a behavior  
46 analyst in the District of Columbia or any state or territory of the United States;  
47 and

48 (b) Is an active member of, or the spouse of an active member of, the Armed  
49 Forces of the United States, a veteran or the ~~surviving~~ spouse , widow or  
50 widower of a veteran.

51 2. An applicant for a license by endorsement pursuant to this section must  
52 submit to the Division with his or her application:

53 (a) Proof satisfactory to the Division that the applicant:

1 (1) Satisfies the requirements of subsection 1;  
2 (2) Is a citizen of the United States or otherwise has the legal right to  
3 work in the United States;  
4 (3) Has not been disciplined or investigated by the corresponding  
5 regulatory authority of the District of Columbia or the state or territory in which  
6 the applicant holds a license as a behavior analyst; and

7 (4) Has not been held civilly or criminally liable for malpractice in the  
8 District of Columbia or any state or territory of the United States;

9 (b) A complete set of fingerprints and written permission authorizing the  
10 Division to forward the fingerprints in the manner provided in section 20 of this  
11 act;

12 (c) An affidavit stating that the information contained in the application and  
13 any accompanying material is true and correct;

14 (d) The fee prescribed by the Division pursuant to ~~section 28 of this act for~~  
15 ~~the issuance of an initial license;~~ the regulations adopted pursuant to section 16  
16 of this act; and

17 (e) Any other information required by the Division.

18 3. Not later than 15 business days after receiving an application for a  
19 license by endorsement as a behavior analyst pursuant to this section, the  
20 Division shall provide written notice to the applicant of any additional  
21 information required by the Division to consider the application. Unless the  
22 Division denies the application for good cause, the Division shall approve the  
23 application and issue a license by endorsement as a behavior analyst to the  
24 applicant not later than:

25 (a) Forty-five days after receiving all the additional information required by  
26 the Division to complete the application; or

27 (b) Ten days after the Division receives a report on the applicant's  
28 background based on the submission of the applicant's fingerprints,  
29 ↪ whichever occurs later.

30 4. At any time before making a final decision on an application for a license  
31 by endorsement pursuant to this section, the Division may grant a provisional  
32 license authorizing an applicant to practice as a behavior analyst in accordance  
33 with regulations adopted by the ~~Division;~~ Board.

34 5. As used in this section, "veteran" has the meaning ascribed to it in NRS  
35 417.005.

36 Sec. 25. 1. To renew a license as a behavior analyst or assistant behavior  
37 analyst ~~or registration as a behavior technician,~~ each person must, on or  
38 before the first day of January of each odd-numbered year:

39 (a) Apply to the Division for renewal;

40 (b) Pay the biennial fee for the renewal of a license ~~or registration;~~

41 (c) Submit evidence to the Division of completion of the requirements for  
42 continuing education as set forth in regulations adopted by the Division ~~if~~ if  
43 applicable; and

44 (d) Submit all information required to complete the renewal.

45 2. The Division shall, as a prerequisite for the renewal of a license, require  
46 each holder to comply with the requirements for continuing education adopted by  
47 the ~~Division;~~ Board, which must include, without limitation, a requirement that  
48 the holder of a license receive at least 2 hours of instruction on evidence-based  
49 suicide prevention and awareness.

50 3. As a prerequisite for the renewal of registration as a behavior technician,  
51 the Division may require each holder to receive continuing education.

52 Sec. 26. 1. In addition to any other requirements set forth in this chapter,  
53 an applicant for the renewal of a license as a behavior analyst or assistant

1 behavior analyst or registration as a behavior technician must indicate in the  
2 application submitted to the Division whether the applicant has a state business  
3 registration. If the applicant has a state business registration, the applicant must  
4 include in the application the business identification number assigned by the  
5 Secretary of State upon compliance with the provisions of chapter 76 of NRS.

6 2. A license as a behavior analyst or assistant behavior analyst or  
7 registration as a behavior technician may not be renewed if:

8 (a) The applicant fails to submit the information required by subsection 1; or

9 (b) The State Controller has informed the Division pursuant to subsection 5  
10 of NRS 353C.1965 that the applicant owes a debt to an agency that has been  
11 assigned to the State Controller for collection and the applicant has not:

12 (1) Satisfied the debt;

13 (2) Entered into an agreement for the payment of the debt pursuant to  
14 NRS 353C.130; or

15 (3) Demonstrated that the debt is not valid.

16 3. As used in this section:

17 (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

18 (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

19 Sec. 27. 1. The license of any behavior analyst or assistant behavior  
20 analyst or the registration of a behavior technician who fails to pay the biennial  
21 fee for the renewal of a license or registration within 60 days after the date it is  
22 due is automatically suspended. The Division may, within 2 years after the date  
23 the license or registration is so suspended, reinstate the license or registration  
24 upon payment to the Division of the amount of the then current biennial fee for  
25 the renewal of a license or registration and the amount of the fee for the  
26 restoration of a license or registration so suspended. If the license or registration  
27 is not reinstated within 2 years, the Division may reinstate the license or  
28 registration only if it also determines that the holder of the license or registration  
29 is competent to practice as a behavior analyst, ~~for~~ assistant behavior analyst ~~or~~  
30 or behavior technician, as applicable.

31 2. A notice must be sent to any person who fails to pay the biennial fee,  
32 informing the person that his or her license or registration is suspended.

33 Sec. 28. ~~1. The Division shall charge and collect not more than the~~  
34 ~~following fees respectively:~~

<del>For the issuance of an initial license, including a license by</del>	
<del>endorsement.....</del>	<del>\$25</del>
<del>For the biennial renewal of a license of a licensed behavior</del>	
<del>analyst.....</del>	<del>400</del>
<del>For the biennial renewal of a license of a licensed assistant</del>	
<del>behavior analyst.....</del>	<del>275</del>
<del>For the restoration of a license suspended for the nonpayment of</del>	
<del>the biennial fee for the renewal of a license.....</del>	<del>100</del>

45 ~~2. An applicant who passes the examination and is eligible for a license as a~~  
46 ~~behavior analyst or assistant behavior analyst shall pay the biennial fee for the~~  
47 ~~renewal of a license, which must be prorated for the period from the date the~~  
48 ~~license is issued to the end of the biennium.~~

49 ~~3. Except as otherwise provided in subsections 4 and 5 and section 23 of~~  
50 ~~this act, in addition to the fees set forth in subsection 1, the Division may charge~~  
51 ~~and collect a fee for the expedited processing of a request or for any other~~  
52 ~~incidental service it provides. The fee must not exceed the cost to provide the~~  
53 ~~service.~~

1 ~~4. If an applicant submits an application for a license by endorsement~~  
 2 ~~pursuant to section 23 of this act, the Division shall charge and collect not more~~  
 3 ~~than the fee specified in subsection 1 for the issuance of an initial license.~~

4 ~~5. If an applicant submits an application for a license by endorsement~~  
 5 ~~pursuant to section 24 of this act, the Division shall collect not more than one~~  
 6 ~~half of the fee set forth in subsection 1 for the initial issuance of the license.]~~  
 7 (Deleted by amendment.)

8 **Sec. 29. 1. The Division may suspend or revoke a person's license as a**  
 9 **behavior analyst or assistant behavior analyst ~~or~~ or registration as a behavior**  
 10 **technician, place the person on probation, require remediation for the person or**  
 11 **take any other action specified by regulation if the Division finds by a**  
 12 **preponderance of the evidence that the person has:**

13 (a) Been convicted of a felony relating to the practice of applied behavior  
 14 analysis.

15 (b) Been convicted of any crime or offense that reflects the inability of the  
 16 person to practice applied behavior analysis with due regard for the health and  
 17 safety of others.

18 (c) Been convicted of violating any of the provisions of NRS 616D.200,  
 19 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

20 (d) Engaged in gross malpractice or repeated malpractice or gross  
 21 negligence in the practice of applied behavior analysis.

22 (e) Aided or abetted ~~or~~

23 ~~(1) Practice practice as a behavior analyst, ~~or~~ assistant behavior~~  
 24 ~~analyst or behavior technician by a person who is not licensed or registered, as~~  
 25 ~~applicable, by the Division. ~~or~~~~

26 ~~(2) Practice as an autism behavior interventionist by a person who does~~  
 27 ~~not hold a current credential as a Registered Behavior Technician, or an~~  
 28 ~~equivalent credential, issued by the Behavior Analyst Certification Board, Inc., or~~  
 29 ~~any successor in interest to that organization.]~~

30 (f) Made any fraudulent or untrue statement to the Division.

31 (g) Violated a regulation adopted by the ~~Division] Board.~~

32 (h) Had a license, ~~or~~ certificate or registration to practice applied behavior  
 33 analysis suspended or revoked or has had any other disciplinary action taken  
 34 against the person by another state or territory of the United States, the District of  
 35 Columbia or a foreign country, if at least one of the grounds for discipline is the  
 36 same or substantially equivalent to any ground contained in this chapter.

37 (i) Failed to report to the Division within 30 days the revocation, suspension  
 38 or surrender of, or any other disciplinary action taken against, a license, ~~or~~  
 39 certificate or registration to practice applied behavior analysis issued to the  
 40 person by another state or territory of the United States, the District of Columbia  
 41 or a foreign country.

42 (j) Violated or attempted to violate, directly or indirectly, or assisted in or  
 43 abetted the violation of or conspired to violate a provision of this chapter.

44 (k) Performed or attempted to perform any professional service while  
 45 impaired by alcohol or drugs or by a mental or physical illness, disorder or  
 46 disease.

47 (l) Engaged in sexual activity with a patient or client.

48 (m) Been convicted of abuse or fraud in connection with any state or federal  
 49 program which provides medical assistance.

50 (n) Been convicted of submitting a false claim for payment to the insurer of a  
 51 patient or client.

52 (o) Operated a medical facility, as defined in NRS 449.0151, at any time  
 53 during which:

1 (1) *The license of the facility was suspended or revoked; or*

2 (2) *An act or omission occurred which resulted in the suspension or*  
3 *revocation of the license pursuant to NRS 449.160.*

4 *↪ This paragraph applies to an owner or other principal responsible for the*  
5 *operation of the facility.*

6 2. *As used in this section, "preponderance of the evidence" has the*  
7 *meaning ascribed to it in NRS 233B.0375.*

8 **Sec. 30.** *The ~~Division~~ Board shall adopt regulations that establish*  
9 *grounds for disciplinary action for a licensed behavior analyst, ~~for~~ licensed*  
10 *assistant behavior analyst or registered behavior technician in addition to those*  
11 *prescribed by section 29 of this act.*

12 **Sec. 31.** 1. *If the Division or a hearing officer appointed by the Division*  
13 *finds a person guilty in a disciplinary proceeding, the Division may:*

14 (a) *Administer a public reprimand.*

15 (b) *Limit the person's practice.*

16 (c) *Suspend the person's license or registration for a period of not more than*  
17 *1 year.*

18 (d) *Revoke the person's license ~~or~~ or registration.*

19 (e) *Impose a fine of not more than \$5,000.*

20 (f) *Revoke or suspend the person's license or registration and impose a*  
21 *monetary penalty.*

22 (g) *Suspend the enforcement of any penalty by placing the person on*  
23 *probation. The Division may revoke the probation if the person does not follow*  
24 *any conditions imposed.*

25 (h) *Require the person to submit to the supervision of or counseling or*  
26 *treatment by a person designated by the Division. The person named in the*  
27 *complaint is responsible for any expense incurred.*

28 (i) *Impose and modify any conditions of probation for the protection of the*  
29 *public or the rehabilitation of the probationer.*

30 (j) *Require the person to pay for the costs of remediation or restitution.*

31 2. *The Division shall not administer a private reprimand.*

32 3. *An order that imposes discipline and the findings of fact and conclusions*  
33 *of law supporting that order are public records.*

34 **Sec. 32.** 1. *If the Division receives a copy of a court order issued pursuant*  
35 *to NRS 425.540 that provides for the suspension of all professional, occupational*  
36 *and recreational licenses, certificates and permits issued to a person who is the*  
37 *holder of a license or registration issued pursuant to this chapter, the Division*  
38 *shall deem the license or registration issued to that person to be suspended at the*  
39 *end of the 30th day after the date on which the court order was issued unless the*  
40 *Division receives a letter issued to the holder of the license or registration by the*  
41 *district attorney or other public agency pursuant to NRS 425.550 stating that the*  
42 *holder of the license or registration has complied with the subpoena or warrant*  
43 *or has satisfied the arrearage pursuant to NRS 425.560.*

44 2. *The Division shall reinstate a license or registration issued pursuant to*  
45 *this chapter that has been suspended by a district court pursuant to NRS 425.540*  
46 *if the Division receives a letter issued by the district attorney or other public*  
47 *agency pursuant to NRS 425.550 to the person whose license or registration was*  
48 *suspended stating that the person whose license or registration was suspended*  
49 *has complied with the subpoena or warrant or has satisfied the arrearage*  
50 *pursuant to NRS 425.560.*

51 **Sec. 33.** 1. *Service of process made under this chapter must be either*  
52 *upon the person or by registered or certified mail with return receipt requested,*  
53 *addressed to the person upon whom process is to be served at his or her last*

1 known address, as indicated on the records of the Division, if possible. If personal  
2 service cannot be made and if notice by mail is returned undelivered, the Division  
3 shall cause notice of hearing to be published once a week for 4 consecutive weeks  
4 in a newspaper published in the county of the last known address of the person  
5 upon whom process is to be served, or, if no newspaper is published in that  
6 county, then in a newspaper widely distributed in that county.

7 2. Proof of service of process or publication of notice made under this  
8 chapter must be filed with the Division.

9 Sec. 34. 1. The Division or a hearing officer may issue subpoenas to  
10 compel the attendance of witnesses and the production of books, papers,  
11 documents, the records of patients and any other article related to the practice of  
12 applied behavior analysis.

13 2. If any witness refuses to attend or testify or produce any article as  
14 required by the subpoena, the Division may file a petition with the district court  
15 stating that:

16 (a) Due notice has been given for the time and place of attendance of the  
17 witness or the production of the required articles;

18 (b) The witness has been subpoenaed pursuant to this section; and

19 (c) The witness has failed or refused to attend or produce the articles  
20 required by the subpoena or has refused to answer questions propounded to him  
21 or her,

22 and asking for an order of the court compelling the witness to attend and  
23 testify before the Division or a hearing officer, or produce the articles as required  
24 by the subpoena.

25 3. Upon such a petition, the court shall enter an order directing the witness  
26 to appear before the court at a time and place to be fixed by the court in its order,  
27 the time to be not more than 10 days after the date of the order, and then and  
28 there show cause why the witness has not attended or testified or produced the  
29 articles. A certified copy of the order must be served upon the witness.

30 4. If it appears to the court that the subpoena was regularly issued, the  
31 court shall enter an order that the witness appear before the Division or a  
32 hearing officer at the time and place fixed in the order and testify or produce the  
33 required articles, and upon failure to obey the order the witness must be dealt  
34 with as for contempt of court.

35 Sec. 35. 1. The Division, any review panel of a hospital or an association  
36 of behavior analysts, ~~for~~ assistant behavior analysts or behavior technicians  
37 which becomes aware that any one or a combination of the grounds for initiating  
38 disciplinary action may exist as to a person practicing applied behavior analysis  
39 in this State shall, and any other person who is so aware may, file a written  
40 complaint specifying the relevant facts with the Division.

41 2. The Division shall retain all complaints filed with the Division pursuant  
42 to this section for at least 10 years, including, without limitation, any complaints  
43 not acted upon.

44 Sec. 36. When a complaint is filed with the Division, it shall review the  
45 complaint. If, from the complaint or from other official records, it appears that  
46 the complaint is not frivolous, the Division may:

47 1. Retain the Attorney General to investigate the complaint; and

48 2. If the Division retains the Attorney General, transmit the original  
49 complaint, along with further facts or information derived from the review, to the  
50 Attorney General.

51 Sec. 37. 1. The Division shall conduct an investigation of each complaint  
52 filed pursuant to section 35 of this act which sets forth reason to believe that a  
53 person has violated section 48 of this act.



1 2. If, after an investigation, the Division determines that a person has  
2 violated section 48 of this act, the Division:

3 (a) May issue and serve on the person an order to cease and desist from  
4 engaging in any activity prohibited by section 48 of this act until the person  
5 obtains the proper license or registration from the Division; ~~for the proper~~  
6 ~~credential issued by the Behavior Analyst Certification Board, Inc., or any~~  
7 ~~successor in interest to that organization, as applicable;~~

8 (b) May issue a citation to the person; and

9 (c) Shall provide a written summary of the Division's determination and any  
10 information relating to the violation to the Attorney General.

11 3. A citation issued pursuant to subsection 2 must be in writing and  
12 describe with particularity the nature of the violation. The citation also must  
13 inform the person of the provisions of subsection 5. Each violation of section 48  
14 of this act constitutes a separate offense for which a separate citation may be  
15 issued.

16 4. For any person who violates the provisions of section 48 of this act, the  
17 Division shall assess an administrative fine of:

18 (a) For a first violation, \$500.

19 (b) For a second violation, \$1,000.

20 (c) For a third or subsequent violation, \$1,500.

21 5. To appeal a citation issued pursuant to subsection 2, a person must  
22 submit a written request for a hearing to the Division within 30 days after the  
23 date of issuance of the citation.

24 Sec. 38. 1. If the Division retains the Attorney General pursuant to  
25 section 36 of this act, the Attorney General shall conduct an investigation of a  
26 complaint transmitted to the Attorney General to determine whether it warrants  
27 proceedings for the modification, suspension or revocation of the license ~~+~~ or  
28 registration. If the Attorney General determines that further proceedings are  
29 warranted, he or she shall report the results of the investigation together with a  
30 recommendation to the Division in a manner which does not violate the right of  
31 the person charged in the complaint to due process in any later hearing on the  
32 complaint.

33 2. The Division shall promptly make a determination with respect to each  
34 complaint reported to it by the Attorney General. The Division shall:

35 (a) Dismiss the complaint; or

36 (b) Proceed with appropriate disciplinary action.

37 Sec. 39. Notwithstanding the provisions of chapter 622A of NRS, if the  
38 Division has reason to believe that the conduct of any behavior analyst ~~+~~  
39 assistant behavior analyst or behavior technician has raised a reasonable  
40 question as to competence to practice applied behavior analysis with reasonable  
41 skill and safety to patients, the Division may require the behavior analyst ~~+~~  
42 assistant behavior analyst or behavior technician to take a written or oral  
43 examination to determine whether the behavior analyst ~~+~~ assistant behavior  
44 analyst or behavior technician is competent to practice applied behavior analysis.  
45 If an examination is required, the reasons therefor must be documented and  
46 made available to the behavior analyst ~~+~~ assistant behavior analyst or  
47 behavior technician being examined.

48 Sec. 40. Notwithstanding the provisions of chapter 622A of NRS, if the  
49 Division or a hearing officer issues an order suspending the license of a behavior  
50 analyst or assistant behavior analyst or registration of a behavior technician  
51 pending proceedings for disciplinary action and requires the behavior analyst ~~+~~  
52 assistant behavior analyst or behavior technician to submit to an  
53 examination of his or her competency to practice applied behavior analysis, the

1 examination must be conducted and the results obtained within 60 days after the  
2 Division or hearing officer issues the order.

3 Sec. 41. Notwithstanding the provisions of chapter 622A of NRS, if the  
4 Division receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary  
5 proceeding regarding the report must be commenced within 30 days after the  
6 Division receives the report.

7 Sec. 42. Notwithstanding the provisions of chapter 622A of NRS, in any  
8 disciplinary proceeding before the Division or a hearing officer conducted under  
9 the provisions of this chapter:

10 1. Proof of actual injury need not be established where the complaint  
11 charges deceptive or unethical professional conduct or practice of applied  
12 behavior analysis harmful to the public.

13 2. A certified copy of the record of a court or a licensing agency showing a  
14 conviction or the suspension or revocation of a license as a behavior analyst or  
15 assistant behavior analyst or registration as a behavior technician is conclusive  
16 evidence of its occurrence.

17 3. The entering of a plea of nolo contendere in a court of competent  
18 jurisdiction shall be deemed a conviction of the offense charged.

19 Sec. 43. 1. Any person who has been placed on probation or whose  
20 license or registration has been limited, suspended or revoked pursuant to this  
21 chapter is entitled to judicial review of the order.

22 2. Every order which limits the practice of applied behavior analysis or  
23 suspends or revokes a license or registration is effective from the date the  
24 Division certifies the order until the date the order is modified or reversed by a  
25 final judgment of the court.

26 3. The district court shall give a petition for judicial review of the order  
27 priority over other civil matters which are not expressly given priority by law.

28 Sec. 44. Notwithstanding the provisions of chapter 622A of NRS:

29 1. Pending disciplinary proceedings before the Division or a hearing  
30 officer, the court may, upon application by the Division or the Attorney General,  
31 issue a temporary restraining order or a preliminary injunction to enjoin any  
32 unprofessional conduct of a behavior analyst, ~~for~~ an assistant behavior analyst  
33 or a behavior technician which is harmful to the public, to limit the practice of  
34 the behavior analyst, ~~for~~ assistant behavior analyst or behavior technician or to  
35 suspend the license to practice as a behavior analyst or assistant behavior analyst  
36 ~~for~~ or registration as a behavior technician without proof of actual damage  
37 sustained by any person, this provision being a preventive as well as a punitive  
38 measure.

39 2. The disciplinary proceedings before the Division or a hearing officer  
40 must be instituted and determined as promptly as the requirements for  
41 investigation of the case reasonably allow.

42 Sec. 45. 1. The Division or the Attorney General may maintain in any  
43 court of competent jurisdiction a suit for an injunction against any person  
44 practicing in violation of section 50 of this act or as ~~for~~

45 ~~(a) A~~ a behavior analyst, ~~for~~ assistant behavior analyst or behavior  
46 technician without the proper license or registration from the Division, ~~for~~ ~~or~~

47 ~~(b) An autism behavior interventionist without the proper credential issued~~  
48 ~~by the Behavior Analyst Certification Board, Inc., or any successor in interest to~~  
49 ~~that organization.~~

50 2. Such an injunction:

51 (a) May be issued without proof of actual damage sustained by any person,  
52 this provision being a preventive as well as a punitive measure.

1 (b) Does not relieve any person from criminal prosecution for practicing  
2 without a license ~~for proper credential, as applicable,~~ or registration.

3 Sec. 46. In addition to any other immunity provided by the provisions of  
4 chapter 622A of NRS, the Division, a review panel of a hospital, an association of  
5 behavior analysts, ~~for~~ assistant behavior analysts, or behavior technicians, or  
6 any other person who or organization which initiates a complaint or assists in  
7 any lawful investigation or proceeding concerning the licensing of a behavior  
8 analyst, ~~for~~ assistant behavior analyst or behavior technician or the discipline of  
9 a behavior analyst, ~~for~~ an assistant behavior analyst or a behavior technician  
10 for gross malpractice, repeated malpractice, professional incompetence or  
11 unprofessional conduct is immune from any civil action for that initiation or  
12 assistance or any consequential damages, if the person or organization acted  
13 without malicious intent.

14 Sec. 47. 1. Any person:

15 (a) Whose practice of applied behavior analysis has been limited;

16 (b) Whose license or registration has been revoked; or

17 (c) Who has been placed on probation,

18  $\rightarrow$  by an order of the Division or a hearing officer may apply to the Division after  
19 1 year for removal of the limitation or termination of the probation or may apply  
20 to the Division pursuant to the provisions of chapter 622A of NRS for  
21 reinstatement of the revoked license ~~for~~ or registration.

22 2. In hearing the application, the Division:

23 (a) May require the person to submit such evidence of changed conditions  
24 and of fitness as it considers proper.

25 (b) Shall determine whether under all the circumstances the time of the  
26 application is reasonable.

27 (c) May deny the application or modify or rescind its order as it considers the  
28 evidence and the public safety warrants.

29 Sec. 48. A person shall not represent himself or herself as a behavior  
30 analyst, assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~  
31 technician within the meaning of this chapter or engage in the practice of applied  
32 behavior analysis unless he or she is licensed or ~~credentialed~~ registered as  
33 required by the provisions of this chapter.

34 Sec. 49. 1. A licensed assistant behavior analyst shall not provide or  
35 supervise behavioral therapy except under the supervision of:

36 (a) A licensed psychologist; or

37 (b) A licensed behavior analyst.

38 2. ~~An autism~~ A behavior ~~interventionist~~ technician shall not provide  
39 behavioral therapy except under the supervision of:

40 (a) A licensed psychologist;

41 (b) A licensed behavior analyst; or

42 (c) A licensed assistant behavior analyst.

43 Sec. 50. Any person who:

44 1. Presents as his or her own the diploma, license, registration or  
45 credentials of another;

46 2. Gives either false or forged evidence of any kind to the Division in  
47 connection with an application for a license ~~for~~ or registration;

48 3. Practices applied behavior analysis under a false or assumed name or  
49 falsely personates another behavior analyst, ~~for~~ assistant behavior analyst or  
50 behavior technician of a like or different name;

51 4. Represents himself or herself as a behavior analyst, ~~for~~ assistant  
52 behavior analyst ~~for~~ or behavior technician, or uses any title or description which

1 *indicates or implies that he or she is a behavior analyst, ~~for~~ assistant behavior*  
2 *analyst ~~or~~ or behavior technician, unless he or she has been issued a license;*

3 *5. Practices as an applied behavior analyst, ~~for~~ assistant behavior analyst*  
4 *or behavior technician unless he or she has been issued a license or registration,*  
5 *as applicable, ~~or~~*

6 ~~*6. Represents himself or herself as an autism behavior interventionist, or*~~  
7 ~~*uses any title or description which indicates or implies that he or she is an autism*~~  
8 ~~*behavior interventionist, unless he or she holds a current credential as a*~~  
9 ~~*Registered Behavior Technician, or an equivalent credential, issued by the*~~  
10 ~~*Behavior Analyst Certification Board, Inc., or any successor in interest to that*~~  
11 ~~*organization; or*~~

12 ~~*7. Practices as an autism behavior interventionist unless he or she holds a*~~  
13 ~~*current credential as a Registered Behavior Technician, or an equivalent*~~  
14 ~~*credential, issued by the Behavior Analyst Certification Board, Inc., or any*~~  
15 ~~*successor in interest to that organization;*~~

16 ~~*is guilty of a gross misdemeanor.*~~

17 **Sec. 51.** NRS 228.420 is hereby amended to read as follows:

18 228.420 1. The Attorney General has primary jurisdiction to investigate and  
19 prosecute any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240,  
20 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the  
21 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the  
22 provision of compensation required by chapters 616A to 617, inclusive, of NRS.

23 2. For this purpose, the Attorney General shall establish within his or her  
24 office a Fraud Control Unit for Industrial Insurance. The Unit must consist of such  
25 persons as are necessary to carry out the duties set forth in this section, including,  
26 without limitation, an attorney, an auditor and an investigator.

27 3. The Attorney General, acting through the Unit established pursuant to  
28 subsection 2:

29 (a) Is the single state agency responsible for the investigation and prosecution  
30 of any alleged criminal violations of NRS 616D.200, 616D.220, 616D.240,  
31 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the  
32 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the  
33 provision of compensation required by chapters 616A to 617, inclusive, of NRS;

34 (b) Shall cooperate with the Division of Industrial Relations of the Department  
35 of Business and Industry, self-insured employers, associations of self-insured  
36 public or private employers, private carriers and other state and federal  
37 investigators and prosecutors in coordinating state and federal investigations and  
38 prosecutions involving violations of NRS 616D.200, 616D.220, 616D.240,  
39 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, and any fraud in the  
40 administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the  
41 provision of compensation required by chapters 616A to 617, inclusive, of NRS;

42 (c) Shall protect the privacy of persons who are eligible to receive  
43 compensation pursuant to the provisions of chapter 616A, 616B, 616C, 616D or  
44 617 of NRS and establish procedures to prevent the misuse of information obtained  
45 in carrying out this section; and

46 (d) May, upon request, inspect the records of any self-insured employer,  
47 association of self-insured public or private employers, or private carrier, the  
48 Division of Industrial Relations of the Department of Business and Industry and the  
49 State Contractors' Board to investigate any alleged violation of any of the  
50 provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310,  
51 616D.350 to 616D.440, inclusive, or any fraud in the administration of chapter  
52 616A, 616B, 616C, 616D or 617 of NRS or in the provision of compensation  
53 required by chapters 616A to 617, inclusive, of NRS.

1 4. When acting pursuant to this section or NRS 228.175 or 228.410, the  
2 Attorney General may commence an investigation and file a criminal action  
3 without leave of court, and has exclusive charge of the conduct of the prosecution.

4 5. The Attorney General shall report the name of any person who has been  
5 convicted of violating any of the provisions of NRS 616D.200, 616D.220,  
6 616D.240, 616D.300, 616D.310, 616D.350 to 616D.440, inclusive, to the  
7 occupational board *or other entity* that issued the person's license or certificate to  
8 provide medical care, remedial care or other services in this State.

9 6. The Attorney General shall establish a toll-free telephone number for  
10 persons to report information regarding alleged violations of any of the provisions  
11 of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, 616D.350 to  
12 616D.440, inclusive, and any fraud in the administration of chapter 616A, 616B,  
13 616C, 616D or 617 of NRS or in the provision of compensation required by  
14 chapters 616A to 617, inclusive, of NRS.

15 7. As used in this section:

16 (a) "Association of self-insured private employers" has the meaning ascribed to  
17 it in NRS 616A.050.

18 (b) "Association of self-insured public employers" has the meaning ascribed to  
19 it in NRS 616A.055.

20 (c) "Private carrier" has the meaning ascribed to it in NRS 616A.290.

21 (d) "Self-insured employer" has the meaning ascribed to it in NRS 616A.305.

22 **Sec. 52.** NRS 239.010 is hereby amended to read as follows:

23 239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
24 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,  
25 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,  
26 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,  
27 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160,  
28 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,  
29 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,  
30 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,  
31 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,  
32 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,  
33 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,  
34 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,  
35 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,  
36 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,  
37 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,  
38 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,  
39 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105,  
40 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,  
41 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,  
42 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,  
43 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,  
44 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,  
45 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,  
46 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,  
47 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,  
48 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167,  
49 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,  
50 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,  
51 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,  
52 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,  
53 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

1 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,  
2 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,  
3 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,  
4 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575,  
5 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285,  
6 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,  
7 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
8 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,  
9 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133,  
10 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,  
11 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
12 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,  
13 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,  
14 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050,  
15 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,  
16 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,  
17 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,  
18 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,  
19 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,  
20 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,  
21 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,  
22 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538,  
23 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,  
24 704B.325, 706.1725, 706A.230, 710.159, 711.600 **H and section 13 of this act,**  
25 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of  
26 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
27 confidential, all public books and public records of a governmental entity must be  
28 open at all times during office hours to inspection by any person, and may be fully  
29 copied or an abstract or memorandum may be prepared from those public books  
30 and public records. Any such copies, abstracts or memoranda may be used to  
31 supply the general public with copies, abstracts or memoranda of the records or  
32 may be used in any other way to the advantage of the governmental entity or of the  
33 general public. This section does not supersede or in any manner affect the federal  
34 laws governing copyrights or enlarge, diminish or affect in any other manner the  
35 rights of a person in any written book or record which is copyrighted pursuant to  
36 federal law.

37 2. A governmental entity may not reject a book or record which is  
38 copyrighted solely because it is copyrighted.

39 3. A governmental entity that has legal custody or control of a public book or  
40 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
41 receive a copy of a public book or record on the basis that the requested public  
42 book or record contains information that is confidential if the governmental entity  
43 can redact, delete, conceal or separate the confidential information from the  
44 information included in the public book or record that is not otherwise confidential.

45 4. A person may request a copy of a public record in any medium in which  
46 the public record is readily available. An officer, employee or agent of a  
47 governmental entity who has legal custody or control of a public record:

48 (a) Shall not refuse to provide a copy of that public record in a readily  
49 available medium because the officer, employee or agent has already prepared or  
50 would prefer to provide the copy in a different medium.

51 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare  
52 the copy of the public record and shall not require the person who has requested the  
53 copy to prepare the copy himself or herself.

1       **Sec. 53.** NRS 287.0276 is hereby amended to read as follows:

2       287.0276 1. The governing body of any county, school district, municipal  
3 corporation, political subdivision, public corporation or other local governmental  
4 agency of the State of Nevada that provides health insurance through a plan of self-  
5 insurance must provide coverage for screening for and diagnosis of autism  
6 spectrum disorders and for treatment of autism spectrum disorders to persons  
7 covered by the plan of self-insurance under the age of 18 years or, if enrolled in  
8 high school, until the person reaches the age of 22 years.

9       2. Coverage provided under this section is subject to:

10      (a) A maximum benefit of the actuarial equivalent of \$72,000 per year for  
11 applied behavior analysis treatment; and

12      (b) Copayment, deductible and coinsurance provisions and any other general  
13 exclusion or limitation of a plan of self-insurance to the same extent as other  
14 medical services or prescription drugs covered by the policy.

15       3. A governing body of any county, school district, municipal corporation,  
16 political subdivision, public corporation or other local governmental agency of the  
17 State of Nevada that provides health insurance through a plan of self-insurance  
18 which provides coverage for outpatient care shall not:

19      (a) Require an insured to pay a higher deductible, copayment or coinsurance or  
20 require a longer waiting period for coverage for outpatient care related to autism  
21 spectrum disorders than is required for other outpatient care covered by the plan of  
22 self-insurance; or

23      (b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance  
24 solely because the person applying for or covered by the plan of self-insurance uses  
25 or may use in the future any of the services listed in subsection 1.

26       4. Except as otherwise provided in subsections 1 and 2, a governing body of  
27 any county, school district, municipal corporation, political subdivision, public  
28 corporation or other local governmental agency of the State of Nevada that provides  
29 health insurance through a plan of self-insurance shall not limit the number of visits  
30 an insured may make to any person, entity or group for treatment of autism  
31 spectrum disorders.

32       5. Treatment of autism spectrum disorders must be identified in a treatment  
33 plan and may include medically necessary habilitative or rehabilitative care,  
34 prescription care, psychiatric care, psychological care, behavioral therapy or  
35 therapeutic care that is:

36      (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
37 licensed physician or licensed psychologist; and

38      (b) Provided for a person diagnosed with an autism spectrum disorder by a  
39 licensed physician, licensed psychologist, licensed behavior analyst or other  
40 provider that is supervised by the licensed physician, psychologist or behavior  
41 analyst.

42       ↪ A governing body of any county, school district, municipal corporation, political  
43 subdivision, public corporation or other local governmental agency of the State of  
44 Nevada that provides health insurance through a plan of self-insurance may request  
45 a copy of and review a treatment plan created pursuant to this subsection.

46       6. A plan of self-insurance subject to the provisions of this chapter that is  
47 delivered, issued for delivery or renewed on or after July 1, 2011, has the legal  
48 effect of including the coverage required by subsection 1, and any provision of the  
49 plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is  
50 void.

51       7. Nothing in this section shall be construed as requiring a governing body of  
52 any county, school district, municipal corporation, political subdivision, public  
53 corporation or other local governmental agency of the State of Nevada that provides

1 health insurance through a plan of self-insurance to provide reimbursement to an  
 2 early intervention agency or school for services delivered through early intervention  
 3 or school services.

4 8. As used in this section:

5 (a) “Applied behavior analysis” means the design, implementation and  
 6 evaluation of environmental modifications using behavioral stimuli and  
 7 consequences to produce socially significant improvement in human behavior,  
 8 including, without limitation, the use of direct observation, measurement and  
 9 functional analysis of the relations between environment and behavior.

10 ~~(b) “Autism behavior interventionist” means a person who is registered as a~~  
 11 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
 12 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
 13 ~~behavioral therapy under the supervision of:~~

14 ~~— (1) A licensed psychologist;~~

15 ~~— (2) A licensed behavior analyst; or~~

16 ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in*~~

17 ~~*section 4 of this act.*~~

18 ~~(c)~~ “Autism spectrum disorders” means a neurobiological medical condition  
 19 including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive  
 20 Development Disorder Not Otherwise Specified.

21 *(c) “Behavior technician” has the meaning ascribed to it in section 5.3 of*  
 22 *this act.*

23 (d) “Behavioral therapy” means any interactive therapy derived from evidence-  
 24 based research, including, without limitation, discrete trial training, early intensive  
 25 behavioral intervention, intensive intervention programs, pivotal response training  
 26 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
 27 licensed assistant behavior analyst or ~~{autism}~~ behavior ~~{interventionist}~~  
 28 *technician.*

29 (e) “Evidence-based research” means research that applies rigorous, systematic  
 30 and objective procedures to obtain valid knowledge relevant to autism spectrum  
 31 disorders.

32 (f) “Habilitative or rehabilitative care” means counseling, guidance and  
 33 professional services and treatment programs, including, without limitation, applied  
 34 behavior analysis, that are necessary to develop, maintain and restore, to the  
 35 maximum extent practicable, the functioning of a person.

36 (g) “Licensed assistant behavior analyst” means a person who holds current  
 37 certification ~~{or meets the standards to be certified}~~ as a Board Certified Assistant  
 38 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
 39 successor in interest to that organization, who is licensed as an assistant behavior  
 40 analyst by the ~~{Board of Psychological Examiners}~~ *Aging and Disability Services*  
 41 *Division of the Department of Health and Human Services* and who provides  
 42 behavioral therapy under the supervision of a licensed behavior analyst or  
 43 psychologist.

44 (h) “Licensed behavior analyst” means a person who holds current certification  
 45 ~~{or meets the standards to be certified}~~ as a Board Certified Behavior Analyst ~~{or a~~  
 46 ~~Board Certified Assistant Behavior Analyst}~~ issued by the Behavior Analyst  
 47 Certification Board, Inc., or any successor in interest to that organization and ~~{who}~~  
 48 is licensed as a behavior analyst by the ~~{Board of Psychological Examiners}~~ *Aging*  
 49 *and Disability Services Division of the Department of Health and Human*  
 50 *Services.*

51 (i) “Prescription care” means medications prescribed by a licensed physician  
 52 and any health-related services deemed medically necessary to determine the need  
 53 or effectiveness of the medications.



1 (j) "Psychiatric care" means direct or consultative services provided by a  
2 psychiatrist licensed in the state in which the psychiatrist practices.

3 (k) "Psychological care" means direct or consultative services provided by a  
4 psychologist licensed in the state in which the psychologist practices.

5 (l) "Screening for autism spectrum disorders" means all medically appropriate  
6 assessments, evaluations or tests to diagnose whether a person has an autism  
7 spectrum disorder.

8 (m) "Therapeutic care" means services provided by licensed or certified  
9 speech-language pathologists, occupational therapists and physical therapists.

10 (n) "Treatment plan" means a plan to treat an autism spectrum disorder that is  
11 prescribed by a licensed physician or licensed psychologist and may be developed  
12 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
13 analyst.

14 **Sec. 54.** NRS 427A.040 is hereby amended to read as follows:

15 427A.040 1. The Division shall, consistent with the priorities established by  
16 the Commission pursuant to NRS 427A.038:

17 (a) Serve as a clearinghouse for information related to problems of the aged  
18 and aging.

19 (b) Assist the Director in all matters pertaining to problems of the aged and  
20 aging.

21 (c) Develop plans, conduct and arrange for research and demonstration  
22 programs in the field of aging.

23 (d) Provide technical assistance and consultation to political subdivisions with  
24 respect to programs for the aged and aging.

25 (e) Prepare, publish and disseminate educational materials dealing with the  
26 welfare of older persons.

27 (f) Gather statistics in the field of aging which other federal and state agencies  
28 are not collecting.

29 (g) Stimulate more effective use of existing resources and available services  
30 for the aged and aging.

31 (h) Develop and coordinate efforts to carry out a comprehensive State Plan for  
32 Providing Services to Meet the Needs of Older Persons. In developing and revising  
33 the State Plan, the Division shall consider, among other things, the amount of  
34 money available from the Federal Government for services to aging persons and the  
35 conditions attached to the acceptance of such money, and the limitations of  
36 legislative appropriations for services to aging persons.

37 (i) Coordinate all state and federal funding of service programs to the aging in  
38 the State.

39 2. The Division shall:

40 (a) Provide access to information about services or programs for persons with  
41 disabilities that are available in this State.

42 (b) Work with persons with disabilities, persons interested in matters relating  
43 to persons with disabilities and state and local governmental agencies in:

44 (1) Developing and improving policies of this State concerning programs  
45 or services for persons with disabilities, including, without limitation, policies  
46 concerning the manner in which complaints relating to services provided pursuant  
47 to specific programs should be addressed; and

48 (2) Making recommendations concerning new policies or services that may  
49 benefit persons with disabilities.

50 (c) Serve as a liaison between state governmental agencies that provide  
51 services or programs to persons with disabilities to facilitate communication and  
52 the coordination of information and any other matters relating to services or  
53 programs for persons with disabilities.

1 (d) Serve as a liaison between local governmental agencies in this State that  
2 provide services or programs to persons with disabilities to facilitate  
3 communication and the coordination of information and any other matters relating  
4 to services or programs for persons with disabilities. To inform local governmental  
5 agencies in this State of services and programs of other local governmental  
6 agencies in this State for persons with disabilities pursuant to this subsection, the  
7 Division shall:

8 (1) Provide technical assistance to local governmental agencies, including,  
9 without limitation, assistance in establishing an electronic network that connects the  
10 Division to each of the local governmental agencies that provides services or  
11 programs to persons with disabilities;

12 (2) Work with counties and other local governmental entities in this State  
13 that do not provide services or programs to persons with disabilities to establish  
14 such services or programs; and

15 (3) Assist local governmental agencies in this State to locate sources of  
16 funding from the Federal Government and other private and public sources to  
17 establish or enhance services or programs for persons with disabilities.

18 (e) Administer the following programs in this State that provide services for  
19 persons with disabilities:

20 (1) The program established pursuant to NRS 427A.791, 427A.793 and  
21 427A.795 to provide services for persons with physical disabilities;

22 (2) The programs established pursuant to NRS 427A.800, 427A.850 and  
23 427A.860 to provide services to persons with traumatic brain injuries;

24 (3) The program established pursuant to NRS 427A.797 to provide devices  
25 for telecommunication to persons who are deaf and persons with impaired speech  
26 or hearing;

27 (4) Any state program for independent living established pursuant to 29  
28 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of  
29 Employment, Training and Rehabilitation acting as the designated state unit, as that  
30 term is defined in 34 C.F.R. § 364.4; and

31 (5) Any state program established pursuant to the Assistive Technology  
32 Act of 1998, 29 U.S.C. §§ 3001 et seq.

33 (f) Provide information to persons with disabilities on matters relating to the  
34 availability of housing for persons with disabilities and identify sources of funding  
35 for new housing opportunities for persons with disabilities.

36 (g) Before establishing policies or making decisions that will affect the lives of  
37 persons with disabilities, consult with persons with disabilities and members of the  
38 public in this State through the use of surveys, focus groups, hearings or councils of  
39 persons with disabilities to receive:

40 (1) Meaningful input from persons with disabilities regarding the extent to  
41 which such persons are receiving services, including, without limitation, services  
42 described in their individual service plans, and their satisfaction with those services;  
43 and

44 (2) Public input regarding the development, implementation and review of  
45 any programs or services for persons with disabilities.

46 (h) Publish and make available to governmental entities and the general public  
47 a biennial report which:

48 (1) Provides a strategy for the expanding or restructuring of services in the  
49 community for persons with disabilities that is consistent with the need for such  
50 expansion or restructuring;

51 (2) Reports the progress of the Division in carrying out the strategic  
52 planning goals for persons with disabilities identified pursuant to chapter 541,  
53 Statutes of Nevada 2001;

1 (3) Documents significant problems affecting persons with disabilities  
2 when accessing public services, if the Division is aware of any such problems;

3 (4) Provides a summary and analysis of the status of the practice of  
4 interpreting and the practice of realtime captioning, including, without limitation,  
5 the number of persons engaged in the practice of interpreting in an educational  
6 setting in each professional classification established pursuant to NRS 656A.100  
7 and the number of persons engaged in the practice of realtime captioning in an  
8 educational setting; and

9 (5) Recommends strategies and, if determined necessary by the Division,  
10 legislation for improving the ability of the State to provide services to persons with  
11 disabilities and advocate for the rights of persons with disabilities.

12 3. The Division shall confer with the Department as the sole state agency in  
13 the State responsible for administering the provisions of this chapter and chapter  
14 435 of NRS.

15 4. The Division shall administer the provisions of chapters 435 and 656A of  
16 NRS ~~+~~ ***and sections 2 to 50, inclusive, of this act.***

17 5. The Division may contract with any appropriate public or private agency,  
18 organization or institution, in order to carry out the provisions of this chapter and  
19 chapter 435 of NRS.

20 **Sec. 55.** NRS 622A.090 is hereby amended to read as follows:

21 622A.090 1. "Regulatory body" means:

22 (a) Any state agency, board or commission which has the authority to regulate  
23 an occupation or profession pursuant to this title; ~~and~~

24 (b) Any officer of a state agency, board or commission which has the authority  
25 to regulate an occupation or profession pursuant to this title ~~+~~; ***and***

26 ***(c) The Aging and Disability Services Division of the Department of Health***  
27 ***and Human Services acting pursuant to sections 2 to 50, inclusive, of this act.***

28 2. The term does not include any regulatory body which is exempted from the  
29 provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body  
30 makes an election pursuant to that section to follow the provisions of this chapter.

31 **Sec. 56.** NRS 641.020 is hereby amended to read as follows:

32 641.020 As used in this chapter, unless the context otherwise requires, the  
33 words and terms defined in NRS ~~641.0202~~ ***641.021*** to 641.027, inclusive, ~~and~~  
34 ~~689A.0435~~ have the meanings ascribed to them in those sections.

35 **Sec. 57.** NRS 641.029 is hereby amended to read as follows:

36 641.029 The provisions of this chapter do not apply to:

37 1. A physician who is licensed to practice in this State;

38 2. A person who is licensed to practice dentistry in this State;

39 3. A person who is licensed as a marriage and family therapist or marriage  
40 and family therapist intern pursuant to chapter 641A of NRS;

41 4. A person who is licensed as a clinical professional counselor or clinical  
42 professional counselor intern pursuant to chapter 641A of NRS;

43 5. A person who is licensed to engage in social work pursuant to chapter  
44 641B of NRS;

45 6. A person who is licensed as an occupational therapist or occupational  
46 therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

47 7. A person who is licensed as a clinical alcohol and drug abuse counselor,  
48 licensed or certified as an alcohol and drug abuse counselor or certified as an  
49 alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse  
50 counselor intern, a problem gambling counselor or a problem gambling counselor  
51 intern, pursuant to chapter 641C of NRS; ~~or~~

52 8. ***A person who is licensed as a behavior analyst or an assistant behavior***  
53 ***analyst or registered as a behavior technician pursuant to sections 2 to 50,***

1 *inclusive, of this act, for an autism behavior interventionist who holds a current*  
 2 *credential as a Registered Behavior Technician, or an equivalent credential,*  
 3 *issued by the Behavior Analyst Certification Board, Inc., or any successor in*  
 4 *interest to that organization, while engaged in the practice of applied behavior*  
 5 *analysis as defined in section 10 of this act; or*

6 9. Any member of the clergy,  
 7 ~~↪~~ if such a person does not commit an act described in NRS 641.440 or represent  
 8 himself or herself as a psychologist.

9 **Sec. 58.** NRS 641.030 is hereby amended to read as follows:

10 641.030 The Board of Psychological Examiners, consisting of ~~seven~~ six  
 11 members appointed by the Governor, is hereby created.

12 **Sec. 59.** NRS 641.040 is hereby amended to read as follows:

13 641.040 1. The Governor shall appoint to the Board:

14 (a) Four members who are licensed psychologists in the State of Nevada with  
 15 at least 5 years of experience in the practice of psychology after being licensed.

16 (b) ~~One member who is a licensed behavior analyst in the State of Nevada.~~

17 ~~—(e)~~ One member who has resided in this State for at least 5 years and who  
 18 represents the interests of persons or agencies that regularly provide health care to  
 19 patients who are indigent, uninsured or unable to afford health care.

20 ~~+(d)~~ (c) One member who is a representative of the general public.

21 2. A person is not eligible for appointment unless he or she is:

22 (a) A citizen of the United States; and

23 (b) A resident of the State of Nevada.

24 3. The member who is a representative of the general public must not be a  
 25 psychologist, an applicant or a former applicant for licensure as a psychologist, a  
 26 member of a health profession, the spouse or the parent or child, by blood, marriage  
 27 or adoption, of a psychologist, or a member of a household that includes a  
 28 psychologist.

29 4. Board members must not have any conflicts of interest or the appearance of  
 30 such conflicts in the performance of their duties as members of the Board.

31 **Sec. 60.** NRS 641.100 is hereby amended to read as follows:

32 641.100 The Board may make and promulgate rules and regulations not  
 33 inconsistent with the provisions of this chapter governing its procedure, the  
 34 examination and licensure of applicants, the granting, refusal, revocation or  
 35 suspension of licenses ~~+~~ and the practice of psychology. ~~and the practice of~~  
 36 ~~applied behavior analysis.~~

37 **Sec. 61.** NRS 641.160 is hereby amended to read as follows:

38 641.160 1. Each person desiring a license must:

39 (a) Make application to the Board upon a form, and in a manner, prescribed by  
 40 the Board. The application must be accompanied by the application fee prescribed  
 41 by the Board and include all information required to complete the application.

42 (b) As part of the application and at his or her own expense:

43 (1) Arrange to have a complete set of fingerprints taken by a law  
 44 enforcement agency or other authorized entity acceptable to the Board; and

45 (2) Submit to the Board:

46 (I) A complete set of fingerprints and written permission authorizing  
 47 the Board to forward the fingerprints to the Central Repository for Nevada Records  
 48 of Criminal History for submission to the Federal Bureau of Investigation for a  
 49 report on the applicant's background, and to such other law enforcement agencies  
 50 as the Board deems necessary for a report on the applicant's background; or

51 (II) Written verification, on a form prescribed by the Board, stating  
 52 that the set of fingerprints of the applicant was taken and directly forwarded  
 53 electronically or by other means to the Central Repository for Nevada Records of

1 Criminal History and that the applicant provided written permission authorizing the  
2 law enforcement agency or other authorized entity taking the fingerprints to submit  
3 the fingerprints to the Central Repository for Nevada Records of Criminal History  
4 for submission to the Federal Bureau of Investigation for a report on the applicant's  
5 background, and to such other law enforcement agencies as the Board deems  
6 necessary for a report on the applicant's background.

7 2. The Board may:

8 (a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-  
9 subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit  
10 those fingerprints to the Central Repository for Nevada Records of Criminal  
11 History for submission to the Federal Bureau of Investigation and to such other law  
12 enforcement agencies as the Board deems necessary; and

13 (b) Request from each agency to which the Board submits the fingerprints any  
14 information regarding the applicant's background as the Board deems necessary.

15 3. An application is not considered complete and received for purposes of  
16 evaluation pursuant to subsection ~~44~~ 2 of NRS 641.170 until the Board receives a  
17 complete set of fingerprints or verification that the fingerprints have been  
18 forwarded electronically or by other means to the Central Repository for Nevada  
19 Records of Criminal History, and written authorization from the applicant pursuant  
20 to this section.

21 **Sec. 62.** NRS 641.170 is hereby amended to read as follows:

22 641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each  
23 application for licensure as a psychologist must be accompanied by evidence  
24 satisfactory to the Board that the applicant:

25 (a) Is at least 21 years of age.

26 (b) Is of good moral character as determined by the Board.

27 (c) Is a citizen of the United States, or is lawfully entitled to remain and work  
28 in the United States.

29 (d) Has earned a doctorate in psychology from an accredited educational  
30 institution approved by the Board, or has other doctorate-level training from an  
31 accredited educational institution deemed equivalent by the Board in both subject  
32 matter and extent of training.

33 (e) Has at least 2 years of experience satisfactory to the Board, 1 year of which  
34 must be postdoctoral experience in accordance with the requirements established by  
35 regulations of the Board.

36 2. ~~Except as otherwise provided in NRS 641.195 and 641.196, each~~  
37 ~~application for licensure as a behavior analyst must be accompanied by evidence~~  
38 ~~satisfactory to the Board that the applicant:~~

39 ~~— (a) Is at least 21 years of age.~~

40 ~~— (b) Is of good moral character as determined by the Board.~~

41 ~~— (c) Is a citizen of the United States, or is lawfully entitled to remain and work~~  
42 ~~in the United States.~~

43 ~~— (d) Has earned a master's degree from an accredited college or university in a~~  
44 ~~field of social science or special education and holds a current certification as a~~  
45 ~~Board Certified Behavior Analyst by the Behavior Analyst Certification Board,~~  
46 ~~Inc., or any successor in interest to that organization.~~

47 ~~— (e) Has completed other education, training or experience in accordance with~~  
48 ~~the requirements established by regulations of the Board.~~

49 ~~— (f) Has completed satisfactorily a written examination in Nevada law and~~  
50 ~~ethical practice as administered by the Board.~~

51 ~~3. Each application for licensure as an assistant behavior analyst must be~~  
52 ~~accompanied by evidence satisfactory to the Board that the applicant:~~

53 ~~— (a) Is at least 21 years of age.~~

~~(b) Is of good moral character as determined by the Board;~~  
~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~  
~~(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization;~~  
~~(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board;~~  
~~(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board;~~

~~4.] Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:~~

~~(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and~~

~~(b) Issue a written statement to the applicant of its determination.~~

~~5.] 3. The written statement issued to the applicant pursuant to subsection 4.] 2 must include:~~

~~(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.~~

~~(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.~~

**Sec. 63.** NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist ~~for behavior analyst, as applicable,~~ in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a psychologist ; ~~for behavior analyst, as applicable;~~ and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

1 3. Not later than 15 business days after receiving an application for a license  
2 by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the  
3 Board shall provide written notice to the applicant of any additional information  
4 required by the Board to consider the application. Unless the Board denies the  
5 application for good cause, the Board shall approve the application and issue a  
6 license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the  
7 applicant not later than:

8 (a) Forty-five days after receiving the application; or

9 (b) Ten days after the Board receives a report on the applicant's background  
10 based on the submission of the applicant's fingerprints,  
11 ~~whichever occurs later.~~

12 4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be  
13 issued at a meeting of the Board or between its meetings by the President of the  
14 Board. Such an action shall be deemed to be an action of the Board.

15 **Sec. 64.** NRS 641.196 is hereby amended to read as follows:

16 641.196 1. The Board may issue a license by endorsement as a psychologist  
17 ~~for behavior analyst~~ to an applicant who meets the requirements set forth in this  
18 section. An applicant may submit to the Board an application for such a license if  
19 the applicant:

20 (a) Holds a corresponding valid and unrestricted license as a psychologist ~~for~~  
21 ~~behavior analyst, as applicable,~~ in the District of Columbia or any state or territory  
22 of the United States; and

23 (b) Is an active member of, or the spouse of an active member of, the Armed  
24 Forces of the United States, a veteran or the surviving spouse of a veteran.

25 2. An applicant for a license by endorsement pursuant to this section must  
26 submit to the Board with his or her application:

27 (a) Proof satisfactory to the Board that the applicant:

28 (1) Satisfies the requirements of subsection 1;

29 (2) Is a citizen of the United States or otherwise has the legal right to work  
30 in the United States;

31 (3) Has not been disciplined or investigated by the corresponding  
32 regulatory authority of the District of Columbia or the state or territory in which the  
33 applicant holds a license as a psychologist ; ~~for behavior analyst, as applicable;~~  
34 and

35 (4) Has not been held civilly or criminally liable for malpractice in the  
36 District of Columbia or any state or territory of the United States;

37 (b) A complete set of fingerprints and written permission authorizing the Board  
38 to forward the fingerprints in the manner provided in NRS 641.160;

39 (c) An affidavit stating that the information contained in the application and  
40 any accompanying material is true and correct;

41 (d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance  
42 of an initial license; and

43 (e) Any other information required by the Board.

44 3. Not later than 15 business days after receiving an application for a license  
45 by endorsement as a psychologist ~~for behavior analyst~~ pursuant to this section, the  
46 Board shall provide written notice to the applicant of any additional information  
47 required by the Board to consider the application. Unless the Board denies the  
48 application for good cause, the Board shall approve the application and issue a  
49 license by endorsement as a psychologist ~~for behavior analyst, as applicable,~~ to the  
50 applicant not later than:

51 (a) Forty-five days after receiving all the additional information required by the  
52 Board to complete the application; or

1 (b) Ten days after the Board receives a report on the applicant's background  
 2 based on the submission of the applicant's fingerprints,

3 ↪ whichever occurs later.

4 4. A license by endorsement as a psychologist ~~for behavior analyst~~ may be  
 5 issued at a meeting of the Board or between its meetings by the President of the  
 6 Board. Such an action shall be deemed to be an action of the Board.

7 5. At any time before making a final decision on an application for a license  
 8 by endorsement pursuant to this section, the Board may grant a provisional license  
 9 authorizing an applicant to practice as a psychologist ~~for behavior analyst, as~~  
 10 ~~applicable.~~ in accordance with regulations adopted by the Board.

11 6. As used in this section, "veteran" has the meaning ascribed to it in NRS  
 12 417.005.

13 **Sec. 65.** NRS 641.228 is hereby amended to read as follows:

14 641.228 1. The Board shall charge and collect not more than the following  
 15 fees respectively:

17 For the national examination, in addition to the actual cost to the	
18 Board of the examination.....	\$100
19 For any other examination required pursuant to the provisions of	
20 subsection 1 of NRS 641.180, in addition to the actual costs	
21 to the Board of the examination.....	100
22 For the issuance of an initial license, including a license by	
23 endorsement.....	.25
24 For the biennial renewal of a license of a psychologist.....	500
25 <del>For the biennial renewal of a license of a licensed behavior</del>	
26 <del>analyst.....</del>	<del>400</del>
27 <del>For the biennial renewal of a license of a licensed assistant</del>	
28 <del>behavior analyst.....</del>	<del>275</del>
29 For the restoration of a license suspended for the nonpayment of	
30 the biennial fee for the renewal of a license.....	100
31 For the registration of a firm, partnership or corporation which	
32 engages in or offers to engage in the practice of psychology.....	300
33 For the registration of a nonresident to practice as a consultant.....	100

34  
 35 2. An applicant who passes the national examination and any other  
 36 examination required pursuant to the provisions of subsection 1 of NRS 641.180  
 37 and who is eligible for a license as a psychologist shall pay the biennial fee for the  
 38 renewal of a license, which must be prorated for the period from the date the license  
 39 is issued to the end of the biennium.

40 3. ~~An applicant who passes the examination and is eligible for a license as a~~  
 41 ~~behavior analyst or assistant behavior analyst shall pay the biennial fee for the~~  
 42 ~~renewal of a license, which must be prorated for the period from the date the license~~  
 43 ~~is issued to the end of the biennium.~~

44 ~~4.~~ Except as otherwise provided in subsections ~~5~~ 4 and ~~6~~ 5 and NRS  
 45 641.195, in addition to the fees set forth in subsection 1, the Board may charge and  
 46 collect a fee for the expedited processing of a request or for any other incidental  
 47 service it provides. The fee must not exceed the cost to provide the service.

48 ~~5.~~ 4. If an applicant submits an application for a license by endorsement  
 49 pursuant to NRS 641.195, the Board shall charge and collect not more than the fee  
 50 specified in subsection 1 for the issuance of an initial license.

51 ~~6.~~ 5. If an applicant submits an application for a license by endorsement  
 52 pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee  
 53 set forth in subsection 1 for the initial issuance of the license.



1       **Sec. 66.** NRS 641.230 is hereby amended to read as follows:

2       641.230 1. The Board may suspend or revoke a person's license as a  
3 psychologist, ~~behavior analyst or assistant behavior analyst,~~ place the person on  
4 probation, require remediation for the person or take any other action specified by  
5 regulation if the Board finds by a preponderance of the evidence that the person  
6 has:

7       (a) Been convicted of a felony relating to the practice of psychology . ~~for the~~  
8 ~~practice of applied behavior analysis.~~

9       (b) Been convicted of any crime or offense that reflects the inability of the  
10 person to practice psychology ~~for applied behavior analysis~~ with due regard for the  
11 health and safety of others.

12       (c) Been convicted of violating any of the provisions of NRS 616D.200,  
13 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

14       (d) Engaged in gross malpractice or repeated malpractice or gross negligence  
15 in the practice of psychology . ~~for the practice of applied behavior analysis.~~

16       (e) Aided or abetted the practice of psychology by a person not licensed by the  
17 Board.

18       (f) Made any fraudulent or untrue statement to the Board.

19       (g) Violated a regulation adopted by the Board.

20       (h) Had a license to practice psychology ~~for a license or certificate to practice~~  
21 ~~applied behavior analysis~~ suspended or revoked or has had any other disciplinary  
22 action taken against the person by another state or territory of the United States, the  
23 District of Columbia or a foreign country, if at least one of the grounds for  
24 discipline is the same or substantially equivalent to any ground contained in this  
25 chapter.

26       (i) Failed to report to the Board within 30 days the revocation, suspension or  
27 surrender of, or any other disciplinary action taken against, a license or certificate  
28 to practice psychology ~~for applied behavior analysis~~ issued to the person by  
29 another state or territory of the United States, the District of Columbia or a foreign  
30 country.

31       (j) Violated or attempted to violate, directly or indirectly, or assisted in or  
32 abetted the violation of or conspired to violate a provision of this chapter.

33       (k) Performed or attempted to perform any professional service while impaired  
34 by alcohol, drugs or by a mental or physical illness, disorder or disease.

35       (l) Engaged in sexual activity with a patient or client.

36       (m) Been convicted of abuse or fraud in connection with any state or federal  
37 program which provides medical assistance.

38       (n) Been convicted of submitting a false claim for payment to the insurer of a  
39 patient or client.

40       (o) Operated a medical facility, as defined in NRS 449.0151, at any time  
41 during which:

42       (1) The license of the facility was suspended or revoked; or

43       (2) An act or omission occurred which resulted in the suspension or  
44 revocation of the license pursuant to NRS 449.160.

45       ➤ This paragraph applies to an owner or other principal responsible for the  
46 operation of the facility.

47       2. As used in this section, "preponderance of the evidence" has the meaning  
48 ascribed to it in NRS 233B.0375.

49       **Sec. 67.** NRS 689A.0435 is hereby amended to read as follows:

50       689A.0435 1. A health benefit plan must provide an option of coverage for  
51 screening for and diagnosis of autism spectrum disorders and for treatment of  
52 autism spectrum disorders for persons covered by the policy under the age of 18  
53 years or, if enrolled in high school, until the person reaches the age of 22 years.

1 2. Optional coverage provided pursuant to this section must be subject to:  
2 (a) A maximum benefit of not less than the actuarial equivalent of \$72,000 per  
3 year for applied behavior analysis treatment; and

4 (b) Copayment, deductible and coinsurance provisions and any other general  
5 exclusions or limitations of a policy of health insurance to the same extent as other  
6 medical services or prescription drugs covered by the policy.

7 3. A health benefit plan that offers or issues a policy of health insurance  
8 which provides coverage for outpatient care shall not:

9 (a) Require an insured to pay a higher deductible, copayment or coinsurance or  
10 require a longer waiting period for optional coverage for outpatient care related to  
11 autism spectrum disorders than is required for other outpatient care covered by the  
12 policy; or

13 (b) Refuse to issue a policy of health insurance or cancel a policy of health  
14 insurance solely because the person applying for or covered by the policy uses or  
15 may use in the future any of the services listed in subsection 1.

16 4. Except as otherwise provided in subsections 1 and 2, an insurer who offers  
17 optional coverage pursuant to subsection 1 shall not limit the number of visits an  
18 insured may make to any person, entity or group for treatment of autism spectrum  
19 disorders.

20 5. Treatment of autism spectrum disorders must be identified in a treatment  
21 plan and may include medically necessary habilitative or rehabilitative care,  
22 prescription care, psychiatric care, psychological care, behavioral therapy or  
23 therapeutic care that is:

24 (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
25 licensed physician or licensed psychologist; and

26 (b) Provided for a person diagnosed with an autism spectrum disorder by a  
27 licensed physician, licensed psychologist, licensed behavior analyst or other  
28 provider that is supervised by the licensed physician, psychologist or behavior  
29 analyst.

30 ~~➤~~ An insurer may request a copy of and review a treatment plan created pursuant  
31 to this subsection.

32 6. Nothing in this section shall be construed as requiring an insurer to provide  
33 reimbursement to an early intervention agency or school for services delivered  
34 through early intervention or school services.

35 7. As used in this section:

36 (a) “Applied behavior analysis” means the design, implementation and  
37 evaluation of environmental modifications using behavioral stimuli and  
38 consequences to produce socially significant improvement in human behavior,  
39 including, without limitation, the use of direct observation, measurement and  
40 functional analysis of the relations between environment and behavior.

41 (b) ~~“Autism behavior interventionist” means a person who is registered as a~~  
42 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
43 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
44 ~~behavioral therapy under the supervision of:~~

45 ~~— (1) A licensed psychologist;~~

46 ~~— (2) A licensed behavior analyst; or~~

47 ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in*~~  
48 ~~*section 4 of this act.*~~

49 ~~(c)~~ “Autism spectrum disorders” means a neurobiological medical condition  
50 including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive  
51 Developmental Disorder Not Otherwise Specified.

52 (c) “Behavior technician” has the meaning ascribed to it in section 5.3 of  
53 this act.

1 (d) “Behavioral therapy” means any interactive therapy derived from evidence-  
2 based research, including, without limitation, discrete trial training, early intensive  
3 behavioral intervention, intensive intervention programs, pivotal response training  
4 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
5 licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~  
6 technician.

7 (e) “Evidence-based research” means research that applies rigorous, systematic  
8 and objective procedures to obtain valid knowledge relevant to autism spectrum  
9 disorders.

10 (f) “Habilitative or rehabilitative care” means counseling, guidance and  
11 professional services and treatment programs, including, without limitation, applied  
12 behavior analysis, that are necessary to develop, maintain and restore, to the  
13 maximum extent practicable, the functioning of a person.

14 (g) “Licensed assistant behavior analyst” means a person who holds current  
15 certification ~~for meets the standards to be certified~~ as a Board Certified Assistant  
16 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
17 successor in interest to that organization, who is licensed as an assistant behavior  
18 analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services*  
19 *Division of the Department of Health and Human Services* and who provides  
20 behavioral therapy under the supervision of a licensed behavior analyst or  
21 psychologist.

22 (h) “Licensed behavior analyst” means a person who holds current certification  
23 ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a~~  
24 ~~Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst  
25 Certification Board, Inc., or any successor in interest to that organization, and  
26 ~~who~~ is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~  
27 *Aging and Disability Services Division of the Department of Health and Human*  
28 *Services*.

29 (i) “Prescription care” means medications prescribed by a licensed physician  
30 and any health-related services deemed medically necessary to determine the need  
31 or effectiveness of the medications.

32 (j) “Psychiatric care” means direct or consultative services provided by a  
33 psychiatrist licensed in the state in which the psychiatrist practices.

34 (k) “Psychological care” means direct or consultative services provided by a  
35 psychologist licensed in the state in which the psychologist practices.

36 (l) “Screening for autism spectrum disorders” means medically necessary  
37 assessments, evaluations or tests to screen and diagnose whether a person has an  
38 autism spectrum disorder.

39 (m) “Therapeutic care” means services provided by licensed or certified  
40 speech-language pathologists, occupational therapists and physical therapists.

41 (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is  
42 prescribed by a licensed physician or licensed psychologist and may be developed  
43 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
44 analyst.

45 **Sec. 68.** NRS 689B.0335 is hereby amended to read as follows:

46 689B.0335 1. A health benefit plan must provide coverage for screening for  
47 and diagnosis of autism spectrum disorders and for treatment of autism spectrum  
48 disorders to persons covered by the policy of group health insurance under the age  
49 of 18 years or, if enrolled in high school, until the person reaches the age of 22  
50 years.

51 2. Coverage provided under this section is subject to:

52 (a) A maximum benefit of the actuarial equivalent of \$72,000 per year for  
53 applied behavior analysis treatment; and

1 (b) Copayment, deductible and coinsurance provisions and any other general  
2 exclusion or limitation of a policy of group health insurance to the same extent as  
3 other medical services or prescription drugs covered by the policy.

4 3. A health benefit plan that offers or issues a policy of group health  
5 insurance which provides coverage for outpatient care shall not:

6 (a) Require an insured to pay a higher deductible, copayment or coinsurance or  
7 require a longer waiting period for coverage for outpatient care related to autism  
8 spectrum disorders than is required for other outpatient care covered by the policy;  
9 or

10 (b) Refuse to issue a policy of group health insurance or cancel a policy of  
11 group health insurance solely because the person applying for or covered by the  
12 policy uses or may use in the future any of the services listed in subsection 1.

13 4. Except as otherwise provided in subsections 1 and 2, an insurer shall not  
14 limit the number of visits an insured may make to any person, entity or group for  
15 treatment of autism spectrum disorders.

16 5. Treatment of autism spectrum disorders must be identified in a treatment  
17 plan and may include medically necessary habilitative or rehabilitative care,  
18 prescription care, psychiatric care, psychological care, behavioral therapy or  
19 therapeutic care that is:

20 (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
21 licensed physician or licensed psychologist; and

22 (b) Provided for a person diagnosed with an autism spectrum disorder by a  
23 licensed physician, licensed psychologist, licensed behavior analyst or other  
24 provider that is supervised by the licensed physician, psychologist or behavior  
25 analyst.

26 ➤ An insurer may request a copy of and review a treatment plan created pursuant  
27 to this subsection.

28 6. A policy subject to the provisions of this chapter that is delivered, issued  
29 for delivery or renewed on or after January 1, 2011, has the legal effect of including  
30 the coverage required by subsection 1, and any provision of the policy or the  
31 renewal which is in conflict with subsection 1 or 2 is void.

32 7. Nothing in this section shall be construed as requiring an insurer to provide  
33 reimbursement to an early intervention agency or school for services delivered  
34 through early intervention or school services.

35 8. As used in this section:

36 (a) "Applied behavior analysis" means the design, implementation and  
37 evaluation of environmental modifications using behavioral stimuli and  
38 consequences to produce socially significant improvement in human behavior,  
39 including, without limitation, the use of direct observation, measurement and  
40 functional analysis of the relations between environment and behavior.

41 (b) "Autism behavior interventionist" ~~means a person who is registered as a~~  
42 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
43 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
44 ~~behavioral therapy under the supervision of:~~

45 ~~— (1) A licensed psychologist;~~

46 ~~— (2) A licensed behavior analyst; or~~

47 ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in*~~  
48 ~~*section 4 of this act.*~~

49 ~~(c)~~ "Autism spectrum disorders" means a neurobiological medical condition  
50 including, without limitation, autistic disorder, Asperger's Disorder and Pervasive  
51 Developmental Disorder Not Otherwise Specified.

52 (c) "Behavior technician" has the meaning ascribed to it in section 5.3 of  
53 this act.

1 (d) “Behavioral therapy” means any interactive therapy derived from evidence-  
2 based research, including, without limitation, discrete trial training, early intensive  
3 behavioral intervention, intensive intervention programs, pivotal response training  
4 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
5 licensed assistant behavior analyst or ~~{autism}~~ behavior ~~{interventionist}~~  
6 technician.

7 (e) “Evidence-based research” means research that applies rigorous, systematic  
8 and objective procedures to obtain valid knowledge relevant to autism spectrum  
9 disorders.

10 (f) “Habilitative or rehabilitative care” means counseling, guidance and  
11 professional services and treatment programs, including, without limitation, applied  
12 behavior analysis, that are necessary to develop, maintain and restore, to the  
13 maximum extent practicable, the functioning of a person.

14 (g) “Licensed assistant behavior analyst” means a person who holds current  
15 certification ~~{for meets the standards to be certified}~~ as a Board Certified Assistant  
16 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
17 successor in interest to that organization, who is licensed as an assistant behavior  
18 analyst by the ~~{Board of Psychological Examiners}~~ *Aging and Disability Services*  
19 *Division of the Department of Health and Human Services* and who provides  
20 behavioral therapy under the supervision of a licensed behavior analyst or  
21 psychologist.

22 (h) “Licensed behavior analyst” means a person who holds current certification  
23 ~~{for meets the standards to be certified}~~ as a Board Certified Behavior Analyst ~~{for a~~  
24 ~~Board Certified Assistant Behavior Analyst}~~ issued by the Behavior Analyst  
25 Certification Board, Inc., or any successor in interest to that organization and ~~{who}~~  
26 is licensed as a behavior analyst by the ~~{Board of Psychological Examiners}~~ *Aging*  
27 *and Disability Services Division of the Department of Health and Human*  
28 *Services*.

29 (i) “Prescription care” means medications prescribed by a licensed physician  
30 and any health-related services deemed medically necessary to determine the need  
31 or effectiveness of the medications.

32 (j) “Psychiatric care” means direct or consultative services provided by a  
33 psychiatrist licensed in the state in which the psychiatrist practices.

34 (k) “Psychological care” means direct or consultative services provided by a  
35 psychologist licensed in the state in which the psychologist practices.

36 (l) “Screening for autism spectrum disorders” means medically necessary  
37 assessments, evaluations or tests to screen and diagnose whether a person has an  
38 autism spectrum disorder.

39 (m) “Therapeutic care” means services provided by licensed or certified  
40 speech-language pathologists, occupational therapists and physical therapists.

41 (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is  
42 prescribed by a licensed physician or licensed psychologist and may be developed  
43 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
44 analyst.

45 **Sec. 69.** NRS 689C.1655 is hereby amended to read as follows:

46 689C.1655 1. A health benefit plan must provide coverage for screening for  
47 and diagnosis of autism spectrum disorders and for treatment of autism spectrum  
48 disorders to persons covered by the health benefit plan under the age of 18 years or,  
49 if enrolled in high school, until the person reaches the age of 22 years.

50 2. Coverage provided under this section is subject to:

51 (a) A maximum benefit of the actuarial equivalent of \$72,000 per year for  
52 applied behavior analysis treatment; and

1 (b) Copayment, deductible and coinsurance provisions and any other general  
2 exclusion or limitation of a health benefit plan to the same extent as other medical  
3 services or prescription drugs covered by the plan.

4 3. A health benefit plan that offers or issues a policy of group health  
5 insurance which provides coverage for outpatient care shall not:

6 (a) Require an insured to pay a higher deductible, copayment or coinsurance or  
7 require a longer waiting period for coverage for outpatient care related to autism  
8 spectrum disorders than is required for other outpatient care covered by the plan; or

9 (b) Refuse to issue a health benefit plan or cancel a health benefit plan solely  
10 because the person applying for or covered by the plan uses or may use in the future  
11 any of the services listed in subsection 1.

12 4. Except as otherwise provided in subsections 1 and 2, a carrier shall not  
13 limit the number of visits an insured may make to any person, entity or group for  
14 treatment of autism spectrum disorders.

15 5. Treatment of autism spectrum disorders must be identified in a treatment  
16 plan and may include medically necessary habilitative or rehabilitative care,  
17 prescription care, psychiatric care, psychological care, behavioral therapy or  
18 therapeutic care that is:

19 (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
20 licensed physician or licensed psychologist; and

21 (b) Provided for a person diagnosed with an autism spectrum disorder by a  
22 licensed physician, licensed psychologist, licensed behavior analyst or other  
23 provider that is supervised by the licensed physician, psychologist or behavior  
24 analyst.

25 ↪ A carrier may request a copy of and review a treatment plan created pursuant to  
26 this subsection.

27 6. A health benefit plan subject to the provisions of this chapter that is  
28 delivered, issued for delivery or renewed on or after January 1, 2011, has the legal  
29 effect of including the coverage required by subsection 1, and any provision of the  
30 plan or the renewal which is in conflict with subsection 1 or 2 is void.

31 7. Nothing in this section shall be construed as requiring a carrier to provide  
32 reimbursement to an early intervention agency or school for services delivered  
33 through early intervention or school services.

34 8. As used in this section:

35 (a) “Applied behavior analysis” means the design, implementation and  
36 evaluation of environmental modifications using behavioral stimuli and  
37 consequences to produce socially significant improvement in human behavior,  
38 including, without limitation, the use of direct observation, measurement and  
39 functional analysis of the relations between environment and behavior.

40 (b) ~~“Autism behavior interventionist” means a person who is registered as a~~  
41 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
42 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
43 ~~behavioral therapy under the supervision of:~~

44 ~~— (1) A licensed psychologist;~~

45 ~~— (2) A licensed behavior analyst; or~~

46 ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in*~~  
47 ~~*section 4 of this act.*~~

48 ~~— (c) “Autism spectrum disorders” means a neurobiological medical condition~~  
49 ~~including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive~~  
50 ~~Developmental Disorder Not Otherwise Specified.~~

51 ~~*(c) “Behavior technician” has the meaning ascribed to it in section 5.3 of*~~  
52 ~~*this act.*~~

1 (d) "Behavioral therapy" means any interactive therapy derived from evidence-  
2 based research, including, without limitation, discrete trial training, early intensive  
3 behavioral intervention, intensive intervention programs, pivotal response training  
4 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
5 licensed assistant behavior analyst or ~~{autism}~~ behavior ~~{interventionist}~~  
6 technician.

7 (e) "Evidence-based research" means research that applies rigorous, systematic  
8 and objective procedures to obtain valid knowledge relevant to autism spectrum  
9 disorders.

10 (f) "Habilitative or rehabilitative care" means counseling, guidance and  
11 professional services and treatment programs, including, without limitation, applied  
12 behavior analysis, that are necessary to develop, maintain and restore, to the  
13 maximum extent practicable, the functioning of a person.

14 (g) "Licensed assistant behavior analyst" means a person who holds current  
15 certification ~~{for meets the standards to be certified}~~ as a Board Certified Assistant  
16 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
17 successor in interest to that organization, who is licensed as an assistant behavior  
18 analyst by the ~~{Board of Psychological Examiners}~~ *Aging and Disability Services*  
19 *Division of the Department of Health and Human Services* and who provides  
20 behavioral therapy under the supervision of a licensed behavior analyst or  
21 psychologist.

22 (h) "Licensed behavior analyst" means a person who holds current certification  
23 ~~{for meets the standards to be certified}~~ as a Board Certified Behavior Analyst ~~{for a~~  
24 ~~Board Certified Assistant Behavior Analyst}~~ issued by the Behavior Analyst  
25 Certification Board, Inc., or any successor in interest to that organization and ~~{who}~~  
26 is licensed as a behavior analyst by the ~~{Board of Psychological Examiners}~~ *Aging*  
27 *and Disability Services Division of the Department of Health and Human*  
28 *Services*.

29 (i) "Prescription care" means medications prescribed by a licensed physician  
30 and any health-related services deemed medically necessary to determine the need  
31 or effectiveness of the medications.

32 (j) "Psychiatric care" means direct or consultative services provided by a  
33 psychiatrist licensed in the state in which the psychiatrist practices.

34 (k) "Psychological care" means direct or consultative services provided by a  
35 psychologist licensed in the state in which the psychologist practices.

36 (l) "Screening for autism spectrum disorders" means medically necessary  
37 assessments, evaluations or tests to screen and diagnose whether a person has an  
38 autism spectrum disorder.

39 (m) "Therapeutic care" means services provided by licensed or certified  
40 speech-language pathologists, occupational therapists and physical therapists.

41 (n) "Treatment plan" means a plan to treat an autism spectrum disorder that is  
42 prescribed by a licensed physician or licensed psychologist and may be developed  
43 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
44 analyst.

45 **Sec. 70.** NRS 695C.1717 is hereby amended to read as follows:

46 695C.1717 1. A health care plan issued by a health maintenance  
47 organization must provide coverage for screening for and diagnosis of autism  
48 spectrum disorders and for treatment of autism spectrum disorders to persons  
49 covered by the health care plan under the age of 18 years or, if enrolled in high  
50 school, until the person reaches the age of 22 years.

51 2. Coverage provided under this section is subject to:

52 (a) A maximum benefit of the actuarial equivalent of \$72,000 per year for  
53 applied behavior analysis treatment; and

1 (b) Copayment, deductible and coinsurance provisions and any other general  
 2 exclusion or limitation of a health care plan to the same extent as other medical  
 3 services or prescription drugs covered by the plan.

4 3. A health care plan issued by a health maintenance organization that  
 5 provides coverage for outpatient care shall not:

6 (a) Require an enrollee to pay a higher deductible, copayment or coinsurance  
 7 or require a longer waiting period for coverage for outpatient care related to autism  
 8 spectrum disorders than is required for other outpatient care covered by the plan; or

9 (b) Refuse to issue a health care plan or cancel a health care plan solely  
 10 because the person applying for or covered by the plan uses or may use in the future  
 11 any of the services listed in subsection 1.

12 4. Except as otherwise provided in subsections 1 and 2, a health maintenance  
 13 organization shall not limit the number of visits an enrollee may make to any  
 14 person, entity or group for treatment of autism spectrum disorders.

15 5. Treatment of autism spectrum disorders must be identified in a treatment  
 16 plan and may include medically necessary habilitative or rehabilitative care,  
 17 prescription care, psychiatric care, psychological care, behavioral therapy or  
 18 therapeutic care that is:

19 (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
 20 licensed physician or licensed psychologist; and

21 (b) Provided for a person diagnosed with an autism spectrum disorder by a  
 22 licensed physician, licensed psychologist, licensed behavior analyst or other  
 23 provider that is supervised by the licensed physician, psychologist or behavior  
 24 analyst.

25 ~~↳~~ A health maintenance organization may request a copy of and review a treatment  
 26 plan created pursuant to this subsection.

27 6. Evidence of coverage subject to the provisions of this chapter that is  
 28 delivered, issued for delivery or renewed on or after January 1, 2011, has the legal  
 29 effect of including the coverage required by subsection 1, and any provision of the  
 30 evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is  
 31 void.

32 7. Nothing in this section shall be construed as requiring a health maintenance  
 33 organization to provide reimbursement to an early intervention agency or school for  
 34 services delivered through early intervention or school services.

35 8. As used in this section:

36 (a) "Applied behavior analysis" means the design, implementation and  
 37 evaluation of environmental modifications using behavioral stimuli and  
 38 consequences to produce socially significant improvement in human behavior,  
 39 including, without limitation, the use of direct observation, measurement and  
 40 functional analysis of the relations between environment and behavior.

41 ~~(b) "Autism behavior interventionist" means a person who is registered as a~~  
 42 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
 43 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
 44 ~~behavioral therapy under the supervision of:~~

45 ~~— (1) A licensed psychologist;~~

46 ~~— (2) A licensed behavior analyst; or~~

47 ~~— (3) A licensed assistant behavior analyst. *has the meaning ascribed to it in*~~  
 48 ~~*section 4 of this act.*~~

49 ~~(c)~~ "Autism spectrum disorders" means a neurobiological medical condition  
 50 including, without limitation, autistic disorder, Asperger's Disorder and Pervasive  
 51 Developmental Disorder Not Otherwise Specified.

52 (c) "Behavior technician" has the meaning ascribed to it in section 5.3 of  
 53 this act.



1 (d) “Behavioral therapy” means any interactive therapy derived from evidence-  
2 based research, including, without limitation, discrete trial training, early intensive  
3 behavioral intervention, intensive intervention programs, pivotal response training  
4 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
5 licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~  
6 technician.

7 (e) “Evidence-based research” means research that applies rigorous, systematic  
8 and objective procedures to obtain valid knowledge relevant to autism spectrum  
9 disorders.

10 (f) “Habilitative or rehabilitative care” means counseling, guidance and  
11 professional services and treatment programs, including, without limitation, applied  
12 behavior analysis, that are necessary to develop, maintain and restore, to the  
13 maximum extent practicable, the functioning of a person.

14 (g) “Licensed assistant behavior analyst” means a person who holds current  
15 certification ~~for meets the standards to be certified~~ as a Board Certified Assistant  
16 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
17 successor in interest to that organization, who is licensed as an assistant behavior  
18 analyst by the ~~Board of Psychological Examiners~~ *Aging and Disability Services*  
19 *Division of the Department of Health and Human Services* and who provides  
20 behavioral therapy under the supervision of a licensed behavior analyst or  
21 psychologist.

22 (h) “Licensed behavior analyst” means a person who holds current certification  
23 ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a~~  
24 ~~Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst  
25 Certification Board, Inc., or any successor in interest to that organization and ~~who~~  
26 is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~ *Aging*  
27 *and Disability Services Division of the Department of Health and Human*  
28 *Services*.

29 (i) “Prescription care” means medications prescribed by a licensed physician  
30 and any health-related services deemed medically necessary to determine the need  
31 or effectiveness of the medications.

32 (j) “Psychiatric care” means direct or consultative services provided by a  
33 psychiatrist licensed in the state in which the psychiatrist practices.

34 (k) “Psychological care” means direct or consultative services provided by a  
35 psychologist licensed in the state in which the psychologist practices.

36 (l) “Screening for autism spectrum disorders” means medically necessary  
37 assessments, evaluations or tests to screen and diagnose whether a person has an  
38 autism spectrum disorder.

39 (m) “Therapeutic care” means services provided by licensed or certified  
40 speech-language pathologists, occupational therapists and physical therapists.

41 (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is  
42 prescribed by a licensed physician or licensed psychologist and may be developed  
43 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
44 analyst.

45 **Sec. 71.** NRS 695G.1645 is hereby amended to read as follows:

46 695G.1645 1. A health care plan issued by a managed care organization for  
47 group coverage must provide coverage for screening for and diagnosis of autism  
48 spectrum disorders and for treatment of autism spectrum disorders to persons  
49 covered by the health care plan under the age of 18 years or, if enrolled in high  
50 school, until the person reaches the age of 22 years.

51 2. A health care plan issued by a managed care organization for individual  
52 coverage must provide an option for coverage for screening for and diagnosis of  
53 autism spectrum disorders and for treatment of autism spectrum disorders to

1 persons covered by the health care plan under the age of 18 years or, if enrolled in  
2 high school, until the person reaches the age of 22 years.

3 3. Coverage provided under this section is subject to:

4 (a) A maximum benefit of the actuarial equivalent of \$72,000 per year for  
5 applied behavior analysis treatment; and

6 (b) Copayment, deductible and coinsurance provisions and any other general  
7 exclusion or limitation of a health care plan to the same extent as other medical  
8 services or prescription drugs covered by the plan.

9 4. A managed care organization that offers or issues a health care plan which  
10 provides coverage for outpatient care shall not:

11 (a) Require an insured to pay a higher deductible, copayment or coinsurance or  
12 require a longer waiting period for coverage for outpatient care related to autism  
13 spectrum disorders than is required for other outpatient care covered by the plan; or

14 (b) Refuse to issue a health care plan or cancel a health care plan solely  
15 because the person applying for or covered by the plan uses or may use in the future  
16 any of the services listed in subsection 1.

17 5. Except as otherwise provided in subsections 1, 2 and 3, a managed care  
18 organization shall not limit the number of visits an insured may make to any  
19 person, entity or group for treatment of autism spectrum disorders.

20 6. Treatment of autism spectrum disorders must be identified in a treatment  
21 plan and may include medically necessary habilitative or rehabilitative care,  
22 prescription care, psychiatric care, psychological care, behavioral therapy or  
23 therapeutic care that is:

24 (a) Prescribed for a person diagnosed with an autism spectrum disorder by a  
25 licensed physician or licensed psychologist; and

26 (b) Provided for a person diagnosed with an autism spectrum disorder by a  
27 licensed physician, licensed psychologist, licensed behavior analyst or other  
28 provider that is supervised by the licensed physician, psychologist or behavior  
29 analyst.

30 ➤ A managed care organization may request a copy of and review a treatment plan  
31 created pursuant to this subsection.

32 7. An evidence of coverage subject to the provisions of this chapter that is  
33 delivered, issued for delivery or renewed on or after January 1, 2011, has the legal  
34 effect of including the coverage required by subsection 1, and any provision of the  
35 evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is  
36 void.

37 8. Nothing in this section shall be construed as requiring a managed care  
38 organization to provide reimbursement to an early intervention agency or school for  
39 services delivered through early intervention or school services.

40 9. As used in this section:

41 (a) "Applied behavior analysis" means the design, implementation and  
42 evaluation of environmental modifications using behavioral stimuli and  
43 consequences to produce socially significant improvement in human behavior,  
44 including, without limitation, the use of direct observation, measurement and  
45 functional analysis of the relations between environment and behavior.

46 (b) ~~"Autism behavior interventionist" means a person who is registered as a~~  
47 ~~Registered Behavior Technician or an equivalent credential by the Behavior~~  
48 ~~Analyst Certification Board, Inc., or its successor organization, and provides~~  
49 ~~behavioral therapy under the supervision of:~~

50 ~~— (1) A licensed psychologist;~~

51 ~~— (2) A licensed behavior analyst; or~~

52 ~~— (3) A licensed assistant behavior analyst.~~ *has the meaning ascribed to it in*  
53 *section 4 of this act.*

1 ~~(e)~~ “Autism spectrum disorders” means a neurobiological medical condition  
2 including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive  
3 Developmental Disorder Not Otherwise Specified.

4 (c) “Behavior technician” has the meaning ascribed to it in section 5.3 of  
5 this act.

6 (d) “Behavioral therapy” means any interactive therapy derived from evidence-  
7 based research, including, without limitation, discrete trial training, early intensive  
8 behavioral intervention, intensive intervention programs, pivotal response training  
9 and verbal behavior provided by a licensed psychologist, licensed behavior analyst,  
10 licensed assistant behavior analyst or ~~autism~~ behavior ~~interventionist~~  
11 technician.

12 (e) “Evidence-based research” means research that applies rigorous, systematic  
13 and objective procedures to obtain valid knowledge relevant to autism spectrum  
14 disorders.

15 (f) “Habilitative or rehabilitative care” means counseling, guidance and  
16 professional services and treatment programs, including, without limitation, applied  
17 behavior analysis, that are necessary to develop, maintain and restore, to the  
18 maximum extent practicable, the functioning of a person.

19 (g) “Licensed assistant behavior analyst” means a person who holds current  
20 certification ~~for meets the standards to be certified~~ as a Board Certified Assistant  
21 Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any  
22 successor in interest to that organization, who is licensed as an assistant behavior  
23 analyst by the ~~Board of Psychological Examiners~~ **Aging and Disability Services**  
24 **Division of the Department of Health and Human Services** and who provides  
25 behavioral therapy under the supervision of a licensed behavior analyst or  
26 psychologist.

27 (h) “Licensed behavior analyst” means a person who holds current certification  
28 ~~for meets the standards to be certified~~ as a Board Certified Behavior Analyst ~~for a~~  
29 ~~Board Certified Assistant Behavior Analyst~~ issued by the Behavior Analyst  
30 Certification Board, Inc., or any successor in interest to that organization and ~~who~~  
31 is licensed as a behavior analyst by the ~~Board of Psychological Examiners~~ **Aging**  
32 **and Disability Services Division of the Department of Health and Human**  
33 **Services.**

34 (i) “Prescription care” means medications prescribed by a licensed physician  
35 and any health-related services deemed medically necessary to determine the need  
36 or effectiveness of the medications.

37 (j) “Psychiatric care” means direct or consultative services provided by a  
38 psychiatrist licensed in the state in which the psychiatrist practices.

39 (k) “Psychological care” means direct or consultative services provided by a  
40 psychologist licensed in the state in which the psychologist practices.

41 (l) “Screening for autism spectrum disorders” means medically necessary  
42 assessments, evaluations or tests to screen and diagnose whether a person has an  
43 autism spectrum disorder.

44 (m) “Therapeutic care” means services provided by licensed or certified  
45 speech-language pathologists, occupational therapists and physical therapists.

46 (n) “Treatment plan” means a plan to treat an autism spectrum disorder that is  
47 prescribed by a licensed physician or licensed psychologist and may be developed  
48 pursuant to a comprehensive evaluation in coordination with a licensed behavior  
49 analyst.

50 **Sec. 72.** Section 25 of this act is hereby amended to read as follows:

51 Section 25. 1. To renew a license as a behavior analyst or assistant  
52 behavior analyst or registration as a behavior technician, each person must,  
53 on or before the first day of January of each odd-numbered year:

- 1 (a) Apply to the Division for renewal;
- 2 (b) Pay the biennial fee for the renewal of a license or registration;
- 3 (c) Submit evidence to the Division of completion of the requirements
- 4 for continuing education as set forth in regulations adopted by the Division,
- 5 if applicable; and

6 (d) Submit all information required to complete the renewal.

7 2. The Division shall, as a prerequisite for the renewal of a license,

8 require each holder to comply with the requirements for continuing

9 education adopted by the Board. ~~[- which must include, without limitation,~~

10 ~~a requirement that the holder of a license receive at least 2 hours of~~

11 ~~instruction on evidence-based suicide prevention and awareness.]~~

12 3. As a prerequisite for the renewal of registration as a behavior

13 technician, the Division may require each holder to receive continuing

14 education.

15 **Sec. 73.** Notwithstanding the amendatory provisions of this act:

16 1. Any disciplinary or other administrative action taken against a behavior

17 analyst or assistant behavior analyst by the Board of Psychological Examiners

18 remains in effect as if taken by the Aging and Disability Services Division of the

19 Department of Health and Human Services.

20 2. A license that is valid on ~~July 1, 2017,~~ **January 1, 2019**, and that was

21 issued by the Board of Psychological Examiners:

22 (a) Shall be deemed to be issued by the Aging and Disability Services Division

23 of the Department of Health and Human Services; and

24 (b) Remains valid until its date of expiration, if the holder of the license

25 otherwise remains qualified for the issuance or renewal of the license on or after

26 ~~July 1, 2017,~~ **January 1, 2019**.

27 **Sec. 74. 1.** The term of the member of the Board of Psychological

28 Examiners appointed to the Board pursuant to paragraph (b) of subsection 1 of NRS

29 641.040 who is incumbent on ~~June 30, 2017,~~ **December 31, 2018**, expires on that

30 date.

31 **2. As soon as practicable on or after January 1, 2019, the Governor shall**

32 **appoint to the Board of Applied Behavior Analysis created by section 13.3 of**

33 **this act:**

34 **(a) One member described in paragraph (a) of subsection 2 of section 13.3**

35 **of this act and the member described in paragraph (b) of that subsection to**

36 **terms that expire on January 1, 2021; and**

37 **(b) Two members described in paragraph (a) of subsection 2 of section**

38 **13.3 of this act and the member described in paragraph (c) of that subsection**

39 **to terms that expire on January 1, 2023.**

40 **Sec. 75. 1.** Notwithstanding the amendatory provisions of sections 14, 17,

41 21, 24, 25, 29, 30, 60, 62 and 64 of this act transferring authority to adopt

42 regulations from the Board of Psychological Examiners to the ~~[- Aging and~~

43 ~~Disability Services Division of the Department of Health and Human Services,]~~

44 **Board of Applied Behavior Analysis created by section 13.3 of this act**, any

45 regulations adopted by the Board ~~of Psychological Examiners~~ that do not conflict

46 with the provisions of this act remain in effect and may be enforced by the ~~Aging~~

47 ~~and Disability Services~~ **Division of the Department of Health and Human**

48 **Services** until the ~~[- Division]~~ **Board of Applied Behavior Analysis** adopts

49 regulations to repeal or replace those regulations.

50 2. Any regulations adopted by the Board of Psychological Examiners that

51 conflict with the provisions of this act are void. The Legislative Counsel shall

52 remove those regulations from the Nevada Administrative Code as soon as

53 practicable after ~~July 1, 2017,~~ **January 1, 2019**.

1       **Sec. 76.** The Legislative Counsel shall:

2       1. In preparing the Nevada Revised Statutes, use the authority set forth in  
3 subsection 10 of NRS 220.120 to substitute appropriately the name of any agency,  
4 officer or instrumentality of the State whose name is changed by this act for the  
5 name which the agency, officer or instrumentality previously used; and

6       2. In preparing supplements to the Nevada Administrative Code, substitute  
7 appropriately the name of any agency, officer or instrumentality of the State whose  
8 name is changed by this act for the name which the agency, officer or  
9 instrumentality previously used.

10       **Sec. 77.** NRS 641.0202, 641.0204, 641.0206, 641.0247, 641.232 and  
11 641.395 are hereby repealed.

12       **Sec. 78.** 1. This section and section 74 of this act become effective upon  
13 passage and approval.

14       2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective  
15 on ~~July 1, 2017~~, **January 1, 2019**.

16       3. Section 72 of this act becomes effective on July 1, 2026.

17       4. Sections 22 and 32 of this act expire by limitation on the date on which the  
18 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under  
19 which the state has authority to withhold or suspend, or to restrict the use of  
20 professional, occupational and recreational licenses of persons who:

21       (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
22 to determine the paternity of a child or to establish or enforce an obligation for the  
23 support of a child; or

24       (b) Are in arrears in the payment for the support of one or more children,

25       ↪ are repealed by the Congress of the United States.

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#### LEADLINES OF REPEALED SECTIONS

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**641.0202** “Assistant behavior analyst” defined.

**641.0204** “Autism behavior interventionist” defined.

**641.0206** “Behavior analyst” defined.

**641.0247** “Practice of applied behavior analysis” defined.

**641.232** Grounds for disciplinary action for licensed behavior analysts  
and licensed assistant behavior analysts: Regulations.

**641.395** Licensed assistant behavior analysts and autism behavior  
interventionists: Limitations on practice.